CRITICAL REVIEW

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POSTMODERNISM

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Carl Rapp on Lyotard

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Donald Livingston

LAW & LITERATURE
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Jeffrey Friedman

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*Jeffrey Friedman**

POSTMODERNISM VS. POSTLIBERTARIANISM

"Postmodernism" denotes efforts to replace foundationalist philosophy with contextualist, immanentist forms of reason. "Postlibertarianism" denotes efforts to transcend contemporary minimal statism, questioning both its "libertarian" moral superstructure and its underlying consequentialist claims and seeking to determine whether the latter can be generalized in a way that displaces the former. Efforts to reach minimal-statist conclusions by postmodern means seem bound to aggravate the problem that plagues contemporary minimal statism: its failure to be true to its consequentialist foundations, reflected in its long-standing devotion to dubious arguments for the intrinsic good of laissez-faire capitalism. For postmodernism fosters the illusion that one can do without any foundations at all. Rather than recovering its consequentialist roots, therefore, postmodern minimal statism tends to rely unquestioningly on the normative foundations already accepted by the libertarian "speech community," neither responding to alternative interpretations of the value of liberty, nor transcending the arid conversation of "liberty" in favor of investigations of the real world of contemporary capitalism and the welfare state.

CRITICAL REVIEW is a journal of libertarian ideas—in the sense that it encourages the most rigorous criticism of those ideas in order to see what, if anything, is left standing afterwards. Its goal is in part to critically review the evidence and arguments for and against libertarianism.

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Of what relevance to that project is postmodernism? Answering this question requires first a diagnosis of the state of libertarian thought, and then a brief characterization of the politics of postmodernism.

Despite the retreat of the political forces erroneously identified with the free market in the United States and Britain, the twentieth century has never provided a better atmosphere for free-market ideas. However overblown the last decade's "sea change" in politics away from state activism has been, in modern democracies even fluke election results are *interpreted* as signalling profound reflection on the part of the electorate. This overinterpretation places the mantle of popular consent on whatever ideological shifts can be read into election returns. This process has bestowed unwarranted philosophical importance on Ronald Reagan's bare popular majority in 1980, the prosperity-induced Republican victories of 1984 and 1988, and the repeated sub-majorities of Margaret Thatcher, in turn yielding much greater visibility, if not credibility, for free-market thought than was imaginable in, say, 1978.

It was easy enough for free-marketeers to ride this tide of publicity, basking in the flattering notion that there had been a profound shift toward the acceptance of their hitherto despised ideas. But now that the end of the anti-government era seems to be drawing near, self-consciousness is dawning among free-marketeers. One sign is a ripening dissatisfaction with the labels that have been attached to their intellectual movement, a disquiet that may reflect deeper concern over what they stand for or should stand for now that their political glory days are ending. Recently, then, it has been suggested that rather than referring to their ideas as libertarian or classical liberal, free-marketeers should adopt the term "market liberalism."[1] This would be a marked improvement, for as I will contend, the current alternative terms are misleading and worse. Still, "market liberalism" is not quite right either, since even the most activist liberals favor market economies in which to "intervene." Therefore, we are all market liberals now. *Minimal statism* would be a more accurate designation of the goal of free-marketeers than "market liberalism."

But the more important terminological priority is to drop the labels "libertarian" and "classical liberal"—whatever we replace them with. The first of these terms begs the question between minimal statists and social democrats, since the latter have been arguing for better than a century that the "liberty" of the poor to sleep under the bridges of Paris is next to no liberty at all. The result of this *libertarian critique of libertarianism* is to call into doubt the justice of, hence people's title to, unequal property holdings, such that one cannot simply assume that a redistribution of property counts as a coercive taking of property from its "owners." In light of this objection against their position, it is either intellectually irresponsible or

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merely obtuse for advocates of the minimal state to continue to equate their goal unselfconsciously with "liberty" or the "free" society.

"Classical liberalism" is just as inaccurate a term as libertarianism. From Locke to Smith to Mill, most classical liberals favored an active governmental problem-solving role; it was primarily *after* the classical liberal period that modern anti-statism took shape, due to such figures as Spencer at the end of the last century and free-market economists more recently—all of whom were reacting against the growth of the regulatory, redistributive democratic state. If anything, minimal statism is more *neo-* than *classically* liberal. (Yet the term "neoliberalism," which CRITICAL REVIEW uses in its writer's guidelines, has its own problems. In Europe it describes anti-state, pro-private property tendencies, but in the United States it usually designates the technocratic interventionism of the "pragmatic" wing of the Democratic party.)

Perhaps I will be excused for picking such arcane nits, for I have a higher purpose in mind than terminological precision. The worst thing about the labels "libertarianism" and "classical liberalism" is not their technical inaccuracy, but their embodiment of approaches to minimal statism that are anachronistic and muddled. These approaches rob minimal statism of any possibility of success: not just success in changing many people's minds, but success in understanding the nature of the world we find ourselves in.

The main problem with the approach that is common to libertarian and classical liberal minimal statism is a radical conflation of, on the one hand, plausible but unintegrated consequentialist arguments against the modern state and, on the other, sweeping but unconvincing philosophical arguments—whether based on self-ownership, a social contract, or human nature—for the unmolested freedom of private property. It is one thing to try to show that big government tends to fail or to produce worse results than the problems it is meant to solve; it is another thing entirely to claim that big government is immoral as such.

To stick with the first approach would mean developing hypotheses purporting to demonstrate why *in general* activist states produce more undesirable consequences than do minimal states (and would mean subjecting those hypotheses to rigorous historical testing); without such hypotheses, there could be no reason why one would *consistently* oppose big government, i.e. no reason for a political philosophy of minimal statism. By contrast, a political philosophy based on the intrinsic goodness of individual-liberty-defined-as-sacrosanct-private-property not only has no need of consequentialist economics or other social science; it must reject any aid from such quarters. For if private property is intrinsically just, because it instantiates our natural rights, our inviolable consent or our

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possessive nature, then it cannot possibly matter whether protecting private property results in, say, a prosperous, humane, harmonious, or satisfying society rather than in mass starvation, indifference, discontent, or alienation. Indeed, to accept aid from the tentative conclusions of empirical social science on these matters would be a Faustian bargain, undercutting in the long run the purity and permanence of the moral principles that libertarian and classical liberal political philosophers seek to perfect by subjecting them to possible refutation by the latest findings of social research.

Paradoxically, though, it is the supposedly irrelevant consequentialist arguments that unite the world's minimal statists, not the supposedly compelling moral arguments. It is unlikely that a single one of the world's free marketeers—even among libertarian and classical liberal philosophers—thinks that a minimal state would have anything but (overall) positive *effects*; yet there is great disagreement among them about which of the alleged *intrinsic* validations of their creed is sound. It is safe to conclude from these facts that generally, it is the practical rather than the moral arguments that are responsible for minimal statists' adherence to their creed. But in that case, what role *is* served by the overlay of moral arguments? The sparse attention minimal statists pay to criticisms of that moralistic superstructure, and the frequency with which they continue to deploy the question-begging rhetoric of freedom, suggest that the moral arguments serve mainly to cement together into a moral dogma a series of consequentialist arguments that are as yet inadequate to sustain a consistent ideology of minimal statism.

Unfortunately, this moral superstructure not only rigidifies minimal statism, it stymies the development of its consequentialist base. For if systemic political principles are supposed to flow from "above," i.e. from the moral imperative of individual liberty, then who needs to think seriously about what originally inspired minimal statism—the conviction that the costs of government intervention in capitalism outweigh the benefits? Why deduce and test rigorous theories about whether the welfare state is necessary and, if not, why it came into existence? Why ask what systemic features of statism might be undesirable, when not just its undesirability but its *evil* are already established in principle by the state's reliance on coercion?

My experience in editing this journal indicates that while there would be few if any minimal statists without an underlying belief in the superior results produced by unhampered market economies, the very scholars who might be expected to develop arguments demonstrating this superiority tend to be uninterested in doing so. For these economists and other social scientists have been convinced that there is an overarching moral

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superiority to their politics, a superiority which ironically frees them of the burden of doing the serious, far-reaching research that would establish a comprehensive undergirding for that politics. But at the same time, as I suggested above, even the minimal-statist *philosophers* are sustained not by the increasingly frustrating results of their efforts to establish a moral case for laissez-faire,[2] but by their participation in the view that there is an underlying consequentialist justification for minimal statism—even though such a justification is irrelevant to, and thus cannot be admitted into, their philosophical arguments. Thus, it seems more than possible that minimal statism is held together by a sort of mutual self-deception, in which the philosophers implicitly assume that the economists have got it all figured out, and the economists assume the same about the philosophers.

I said above that minimal statism is the starting point for CRITICAL REVIEW. But CRITICAL REVIEW is not a minimal-state journal, precisely because it is trying to help close the gap between moral and "consequentialist" (i.e. social and cultural) theory that I have just described. On the one hand, we encourage social scientists and historians influenced by minimal-statist insights to develop their ideas independently of support from libertarian or classical liberal moral tenets—which should be just as irrelevant to them as social scientific findings are, unfortunately, to contemporary libertarian moral theory. Even if one believes that individuals possess an inviolable right to accumulate private property, arguments about the practical consequences of respecting such rights are independent and should be recognized as such by being supported or refuted without any reliance on the rhetoric of "liberty."

Let me claim for the results of consequentialist inquiries influenced by minimal-statist insights the label of *postlibertarianism*. For I am convinced that only by *rejecting* moralistic libertarianism and classical liberalism, at least operationally, does one feel impelled to do the sort of consequentialist thinking that would make minimal statism not just a prominent intellectual tendency, but one deserving of respect. There is also this: such thinking may well turn out *not* to justify a minimal state. Free inquiry entails holding no preconceived conclusions. In this sense, too, "postlibertarianism" seems more appropriate than minimal statism to describe the destination of CRITICAL REVIEW.

Postlibertarian social and cultural thought is informed by, but is not beholden to, the insights of laissez-faire economists; it seeks to question their validity, to determine how far they can be generalized, and to use them as background for new inquiries into areas that have until now been rendered irrelevant or subversive by "libertarian" moral commitments—e.g. inquiries into the values and ways of life encouraged by capitalism and by

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the welfare state. *Postlibertarian political philosophy,* in turn, would incorporate the results of social and cultural inquiries in order to weigh the great issue of the post-Communist age: how large a role for the welfare state?

Questioning the Postmodern Turn

Many of the most innovative participants in CRITICAL REVIEW have been turning toward postmodernism as they have begun to sense the inadequacy of the conventional moral superstructure of minimal statism. We have, in fact, published so many essays advocating or discussing postmodern minimal-statism that it has willy-nilly become a central preoccupation of the journal.[3] It seems appropriate, therefore, to try to bring the underlying philosophical issues into focus in one place in order to clarify whether the postmodern turn is a promising direction for postlibertarianism, or a dead end. Hence this special issue on postmodernism.

On the evidence presented here, the postmodern turn is worse than a dead end. Postmodernism itself is highly questionable; but my hope is to ask only two questions of it, questions that relate to my claim that the fusion of postmodernism with minimal statism is as counterproductive and as inhibitory of postlibertarianism as what that fusion replaces: moral arguments for the intrinsic justice of capitalism.

First let me ask whether postmodernism is not inherently *conservative,* regardless of how radical are the particular beliefs that in a given case it happens to conserve. The problem is not that postmodernists oppose the project of achieving "a completely 'objective' or 'presuppositionless' view," as Gary Madison writes in this issue. The problem is rather whether recognizing our subjectivity and our presuppositions means granting that truth is whatever "we," i.e. the members of our interpretive community, say it is, i.e. that, to quote Madison again, "the ultimate 'judge' . . . is not 'reality' (except in a purely metaphorical sense) but the interpretive community to which . . . one belongs." This appears, in fact, to be the problem facing such moderate, sensible postmodernists as (in this issue) Madison, Donald McCloskey and Calvin Schrag, who each have to come up with some new label for the pursuit of objective truth—"conjective" (McCloskey) or "transversal" (Schrag) rationality or "small-t truth" (Madison)—in order to preserve a *critical posture toward received wisdom* from the dustbin to which radical postmodernists like Derrida, Rorty and Lyotard have tried to consign it. For without the discipline imposed by a putatively objective, non-metaphorical reality, is not each interpretive community licensed to convert its instincts into sacred cows on the ground that there is no higher standard of truth than whatever is arbitrarily self-imposed? Leave aside for a moment the *plausibility* of post-

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modernism and attend only to the consequences of dispensing with the regulatory ideal of Truth: will these consequences not include just the sort of smug self-assurance that characterizes the politics of the radical postmodernists—a closed-mindedness of just the sort that prevents libertarianism from advancing to postlibertarianism?

Postmodernists are used to being accused of relativism. How can one reconcile this accusation with my seemingly contradictory charge of absolutism? An answer is suggested by Carl Rapp's climactic essay in this issue, which not only raises the question of conservatism by revealing the uncritical persistence of emancipatory Enlightenment values in postmodern thought, but shows that the postmodern vehicle for those values is precisely that which the postmodernists claim to attack: critical, transcendental philosophy. Rapp shows that postmodernism unwittingly propounds a metanarrative of the end of metanarratives; a philosophy to end all philosophy. This implies a second question: whether postmodernism is not so much erroneous as *impossible*. Can we, much as postmodernists conscientiously feel the need, do away with the *attempt* to transcend our particular context? If not, then we are literally unable to be theoryless; we *cannot* fail to ask how well we are distinguishing good from bad interpretations; but if we deceive ourselves about this, we *can* substitute bad theory for good. By bad theory I mean obscurantist theory, theory that takes for granted what should be called into question, theory that denies that it is theory, *unconscious theory*, rather than self-aware and self-critical theory. If postmodernism is unable to escape the necessity of theory, that would explain how under the guise of radical questioning it perpetuates radical conservatism.

Ironically, both the question of the inevitability of theory or of "modern" critical philosophy and that of the conservatism of those who refuse to accept its inevitability were most compellingly stated by the fountainhead of postmodernism. Nietzsche wrote that

> the falsest judgments (which include the synthetic judgments *a priori*) are the most indispensable for us. . . . Without accepting the fictions of logic, without measuring reality against the purely invented world of the unconditional and self-identical, without a constant falsification of the world by means of numbers, man could not live. . . . Renouncing false judgments would mean renouncing life. . . . *To recognize untruth as a condition of life—that certainly means resisting accustomed value feelings in a dangerous way.* . . .
>
> The falseness of a judgment is for us not necessarily an objection to a judgment. . . . As soon as any philosophy begins to believe in itself . . . it always creates the world in its own image; it cannot do otherwise. Philosophy is this tyrannical drive itself, the most spiritual will to power, to the "creation of the world," to the *causa prima.*
>
> It is high time to replace the Kantian question, "How are synthetic judg-

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> ments *a priori* possible?" by another question, "Why is belief in such judgments *necessary*?"—and to comprehend that such judgments must be *believed* to be true, for the sake of the preservation of creatures like ourselves; though they might, of course, be *false* judgments for all that! Or to speak more clearly and coarsely: synthetic judgments *a priori* should not "be possible" at all; we have no right to them; in our mouths they are nothing but false judgements. Only, of course, the belief in their truth is necessary, as a foreground belief and visual evidence belonging to the perspective optics of life.[4]

Unfortunately, what makes Nietzsche the first postmodernist is that he does not take these insights seriously enough. This is indicated by his fateful decision to call our synthetic a priori judgments both *necessary* and *false*. If they are necessary, what can it possibly mean to say that they are false? The postmodern conceit is that we can have it both ways: that we can gain enough critical perspective on our own thought to call it false, at the same time that we deny our ability to transcend our context. This, of course, merely reproduces the hubris that postmodernists claim was invented by the Enlightenment and that, they contend, they have somehow managed to escape.

What happens if we take Nietzsche more seriously than he did? We can agree with postmodernism that truths are indeed judged only by interpretive communities on the basis of persuasiveness. But in so judging, those communities, and their members, *must* think they are doing something more: striving after (fallible, yet transcendent) Truth. Otherwise, they would have no criteria of what counts as persuasive—and this is *impossible*: contradictory immanent positions *must* be chosen between. Hence "we scrutinize our evaluations in the hope that they can be tuned in to the real value of things; we try to prize what is really good and to deplore what is genuinely bad."[5] It appears impossible for even postmodernists to transcend a stubborn, even dogmatic insistence (however unadmitted) on their own truths' transcendent validity. We invariably do what we think will best avoid self-delusion about the correspondence of our beliefs to that picture we ineluctably have of the existence of an independent reality—even if, on one level, we (claim to) think we cannot avoid being deluded about reality (i.e. cannot avoid being determined or contextually bounded in our picture of it).

To be deluded about something, even when one knows it may be a delusion, is still to believe it is *true*; and if beliefs and values are unavoidable—if we cannot help but accept the dogma of transcendent truth—does this not mean that transcendent truth *is true* (such that tacking on the relativist's last words, "to us," adds nothing meaningful)? If so, then a purely postmodern posture is *both* undesirable and unattainable: unat-

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tainable because one cannot be a true skeptic about one's ability to transcend the immanent; undesirable because by trying to achieve such skepticism, one tends to overlook one's own unarticulated, transcendent truths. To try to do away with theory is a recipe for bad theory.

What keeps postmodernists trying is, apparently, similar to what keeps libertarian philosophers trying: a base of consequentialist considerations supporting the anti-metanarrative metanarrative described by Rapp. In the postmodern metanarrative, what has prompted the ills of *modernity*, including twentieth-century tyranny and war, is *modernism*: what Madison calls the "project of domination and control" that follows from modern epistemology. In this view the emancipatory aspirations of the Enlightenment were betrayed by transcendent standards of truth, leading to the "modernist, Promethean illusion that by means of theory we can manipulate and control human affairs however we desire" (Madison).

It is not my intention to rebut this dubious reading of modern history, but to ask whether it does not, as a critical overview that transcends what is being looked at while denying that that is what it is doing, conceal its own assumptions from criticism. Rapp shows clearly enough that it does in the case of Lyotard, who like Rorty, Foucault and Derrida takes the Enlightenment goal of radical individual emancipation so much for granted that he cannot be called to account for his commitment to it. But radicalism is just one form of what can be shielded from criticism by a postmodern metanarrative. *Whatever* one takes for granted can be plugged into it, as long as one can point to a community—even a community of one, a community of individual conscience—that shares those prejudices.

Consider Vaclav Havel's recent call for a politics with "a new, postmodern face." Havel, like Lyotard, begins with an antimodern metanarrative. The end of Communism "has brought an end not just to the nineteenth and twentieth centuries, but to the modern age as a whole." For

> The modern era has been dominated by the culminating belief, expressed in different forms, that the world—and Being as such—is a wholly knowable system governed by a finite number of universal laws that man can grasp and rationally direct for his own benefit. This era, beginning in the Renaissance and developing from the Enlightenment to socialism, from positivism to scientism, from the Industrial Revolution to the information revolution, was characterized by rapid advances in rational, cognitive thinking.
>
> This, in turn, gave rise to the proud belief that man, as the pinnacle of everything that exists, was capable of objectively describing, explaining and controlling everything that exists, and of possessing the one and only truth about the world. . . . It was an era of ideologies, doctrines, interpretations of reality, an era in which the goal was to find a universal theory of the world, and thus a universal key to unlock prosperity.
>
> The end of Communism is a serious warning to all mankind. It is a signal

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> that the era of arrogant, absolutist reason is drawing to a close and that it is high time to draw conclusions from that fact.[6]

One must respect Havel's political achievements, but not his woolly, self-contradictory understanding of them. For he is, of course, propounding his *own* version of the belief he wants to condemn: that the world is knowable—and even that, by drawing the right conclusions about it, we can control it. He is not to be condemned for this, but only for failing to admit it. Thus he answers our second question: the postmodern transcendence of transcendence is again shown to be impossible. As for the first question, listen to the conservatism of Havel's appeal—which can only command assent to the degree that it enunciates what "we" already, unthinkingly agree is the transcendent truth about our situation:

> *We all know* civilization is in danger. The population explosion and the greenhouse effect, holes in the ozone and AIDS, the threat of nuclear terrorism and the dramatically widening gap between the rich north and the poor south, the danger of famine, the depletion of the biosphere and the mineral resources of the planet, the expansion of commercial television culture and the growing threat of regional wars—all these, combined with thousands of other factors, represent a general threat to mankind.[7]

How easy it is to be a postmodernist when there is so much that "we all know"! But how, in the mind of the postmodern politician who has "the courage to be himself and go the way his conscience points," is there left any room for *dissent* from the conventional wisdom on the basis of an alternative, putatively "objective interpretation of reality"[8]—if a belief in the objective and universal is what is responsible for evil? There *is* no room. The very stubbornness about his inner rectitude that allowed Havel to persevere against Communism now makes him a dogmatist of liberalism. Yet the epistemology, or anti-epistemology, by which he defends his dogmas would, in the hands of his former oppressors, have proven much more stultifying than the "scientific" socialism they embraced. The point about science, after all, is that it can be falsified; but how can one falsify subjective feelings that have been loosed from the obligation to conform to an external reality?

Despite the leftist spin usually given to the postmodern diagnosis of modern ills, one finds a quite similar view of modernity in Hayek's notion that socialism and the welfare state can be attributed to a scientistic, "constructivist" "engineering mentality." The trenchant historical criticisms of this view that have been made in these pages have never been rebutted;[9] and the postmodern *leftist* attacks on "the hubris of reason" provide further evidence that the emancipatory attitudes Hayek deplores can easily coexist with his strictures against social engineering.[10] Yet the Hayekian narrative

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has been accepted as authoritative among minimal statists and is now spreading even into neoconservative precincts; and it seems to have created sympathy among minimal statists for the similar picture of modernity painted by postmodernism.

That sympathy takes at least two forms. The first might be called the discursive form of postmodern minimal statism, exemplified in this issue by Madison's defense of individual freedom as the ultimate end, founded on "that most natural and universal of all human activities: the persistent attempt on the part of humans to achieve . . . mutual understanding." That this represents no advance from the old essentialist libertarian claim that mixing one's labor with property is "natural and universal" and thus, somehow, privileged requires no demonstration. What is noteworthy is that, as with previous libertarian moralism, discursive minimal statism begs the question of the definition of individual freedom, which accounts for why the vast majority of postmodern emancipators of the individual find it utterly unpersuasive. (If Madison were not a master of free-market economics, would *he* find discursive minimal statism persuasive?)

The second form of postmodern minimal statism is a Hayekian fideism toward whatever institutions "evolve spontaneously." Had Hayek provided us with a theory and historical evidence showing that there is some filtering mechanism to ensure that (as Donald Livingston writes) "conventions spontaneously evolve to satisfy human desires"—i.e. that whatever evolves is right—this fideism would be at least prima facie plausible; but as Hayek's critics have repeatedly pointed out, no such theory or evidence has been provided.[11]

How is Hayekian evolutionary traditionalism transformed into a version of postmodern minimal statism, given that what has evolved is not a minimal but an increasingly maximal state? Here the intellectual contortions become truly amazing. First, Hayekian traditionalism itself requires the conflation of the spontaneous *historical origin* of the first market economies (which itself is questionable) with the assumption that such economies *function* best when left alone. That, of course, is what needs to be *proved* as a generalization (not just case by case) if minimal statism is to be sustained. Rather than being proven, however, the assumption is treated as a foundation on which to rest a positive assessment of all "evolved" institutions, so that we may then double back and (somehow picking and choosing among what has evolved) endorse the market and condemn the state as a consequence of a general presumption in favor of the status quo—a presumption that itself rests on having endorsed the market!

The net result of these mental gymnastics is the same as with conventional (e.g. natural rights) minimal statism. If the consequentialist case against the welfare state has not been well made, it need not matter; for we

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know that the market, as an evolved, "unplanned" institution, must be presumed useful because it has survived some assumed process of cultural selection. Marx exposed the obscurantism involved when it arose in an earlier form, that of Savigny (among Hayek's favorite historians of law), whose school, Marx wrote, "regards every cry from the serf under the knout as a cry of rebellion once the knout has become time-honoured, ancestral and historical."[12]

While phenomenologically, postmodernist versions of minimal statism would be inconceivable without a modernist *theory* (such as Hayek's idea of spontaneous order) about the *true nature* of social *reality*, logically, one could arrive at postmodern minimal statism without knowing a thing about the real world, for purely based on the conviction that theory must depend on tacit, contextual knowledge, we can achieve moral certainty that whatever such knowledge is embodied in market institutions must be preserved against hubristic attempts at reform. The result is a positive disincentive against further hard thinking and empirical research, since the end result would only duplicate what we know already by virtue of our respect for the immanent wisdom of traditions in general and the market in particular. So minimal-statist social scientists can rest easy, spending their time parsing methodology, engaging in logic games, or otherwise advancing the "normal science" of a classical liberal paradigm that is presumed to be healthy.

The proof of the pudding is in the eating. For five years CRITICAL REVIEW has published learned arguments for postmodern minimal statism because they were among the only examples that could be found of minimal-statist scholarship that actually grappled with contemporary intellectual developments. But this torrent of scholarship has produced nary a step in the direction of grappling with *reality*. Now, with the fall of socialism, the one great theory of the Austrian-school minimal statists, the Mises-Hayek critique of the ability of central planners to calculate the value of capital goods, has been proven right. But that theory is seventy years old. Have there been any minimal statist attempts to at least apply the Mises-Hayek critique of socialist calculation to the questions of our day, those having to do with the piecemeal, unplanned interventionism of the welfare state—let alone to come up with *new* generalizations? Not to my knowledge.

It would be unfair to blame this situation on postmodernism. It is still far and away a minority movement among minimal statists; most of the responsibility for intellectual complacency must rest with more traditional forms of moral justification for the minimal state. But this is hardly an argument *for* appropriating postmodernism.

Minimal statism was propelled into intellectual prominence (if not acceptability) not by its merits but by the rhetoric of Margaret Thatcher

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and Ronald Reagan. With the collapse of Communism, its most pressing arguments—those against socialism—have been accepted wholesale (if without much depth of understanding) by those leftists who pay attention to economics; the words "Mises was right" appear in print often enough nowadays to seem ordinary. But none of this has moved anyone closer to minimal statism in the First World; nor should it, until someone has either shown its relevance to the reality of welfare states or has come up with anti-welfare state generalizations that *are* relevant. With Reagan and Thatcher gone, minimal statism is living on borrowed time.

The minimal-statist target is no longer a sitting duck, socialism, but the amorphous, immensely variable and ambiguous democratic, interventionist, redistributory state. Behind the terminological question of what to call minimal statism lies the dawning realization that its relevance is problematic, now that the fall of Communism has stripped away the comforting idea that opposing the latter meant embracing the former.[13] But if *that* isn't enough to motivate minimal statists to do some soul searching, the strategic situation of their "movement" in the 1990s should be.

If minimal statism is to deserve to make headway—let alone if it is to *do* so—it will not be by asserting in the face of a skeptical world that the practices of our interpretive community somehow automatically legitimate a doctrine that has, in both thought and institutional praxis, been long ago rejected. It will instead be by addressing the *reasons* minimal statism was rejected: the perception that capitalism is in fact inegalitarian, unlibertarian, unstable, and destructive of economic, social and cultural goods. This can only be done by sympathetically understanding these perceptions, investigating their factual basis, and proposing alternative interpretations of the facts. It cannot be done by caricaturing any belief in facts as "scientism," by denying that facts are accessible to theory, or by asserting that the only theory we can know is that of the a priori value of individual liberty-cum-private property ownership.

If there is to be a postlibertarianism, in other words, it will have little to do with postmodernism.

NOTES

1. Edward H. Crane III, "A Market-Liberal Think Tank," *Cato Policy Report* 13, no.6 (November-December 1991): 2.
2. For criticisms of their efforts, see not only the vast critical literature on Nozick, but in this journal Tom Bottomore, "Is Rivalry Rational?," CRITICAL REVIEW 1, no. 1 (Winter 1987): 43–50, esp. 48–9; Kai Nielsen, "A Moral Case for Socialism," CRITICAL REVIEW 3, nos. 3–4 (Summer-Fall 1989): 542–53; Don Herzog, "Gimme That Old-Time Religion," CRITICAL REVIEW

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4, nos. 1–2 (Winter-Spring 1990): 74–85; Frank Michelman, "From Dialogue Rights to Property Rights: Reply to Shearmur," *ibid.*, 133–43; and my "The New Consensus: II. The Democratic Welfare State," CRITICAL REVIEW 4, no. 4 (Fall 1990): 633–708, esp. 661–6.

3. Don Lavoie, "Political and Economic Illusions of Socialism," CRITICAL REVIEW 1, no. 1 (Winter 1987): 1–35; David Ramsay Steele, "The Irrationality of Planning," CRITICAL REVIEW 1, no. 2 (Spring 1987): 51–7; Mark Blaug, "Methodology with a Small m," *ibid.*, 1–5; Tom G. Palmer, "Gadamer's Hermeneutics and Social Theory," CRITICAL REVIEW 1, no. 3 (Summer 1987): 91–108; Steele and Lavoie, "Polanyi's Critique of Objectivity," *ibid.*, 109–124; Donald N. McCloskey, "The Two Cultures and Methodology," *ibid.*, 124–7; Elliot Yale Neaman, "Liberalism and Post-Modern Hermeneutics," CRITICAL REVIEW 2, nos. 2–3 (Spring-Summer 1988): 149–65; G.B. Madison, "Postmodern Philosophy?," *ibid.*, 166–82; id., "Hayek and the Interpretive Turn," CRITICAL REVIEW 3, no. 2 (Spring 1989): 169–87; Laurent Dobuzinskis, "The Complexities of Spontaneous Order," *ibid.*, 241–66; Madison, "How Individualistic Is Methodological Individualism?," CRITICAL REVIEW 4, nos. 1–2 (Winter-Spring 1990): 41–60; Gregory R. Johnson, "Hermeneutics: A Protreptic," *ibid.*, 173–211; James D. McCawley, "The Dark Side of Reason," CRITICAL REVIEW 4, no. 3 (Summer 1990): 377–85; Madison, "The Politics of Postmodernity," CRITICAL REVIEW 5, no. 1: 53–80.

4. Friedrich Nietzsche, *Beyond Good and Evil,* trans. Walter Kaufmann (New York: Random House, 1966), 12 (emph. added), 11, 16, 19.

5. Alan Ryan, "Fair shares for all?," *Times Literary Supplement,* February 21, 1992: 11.

6. Vaclav Havel, "The End of the Modern Era," *The New York Times*, March 1, 1992.

7. *Ibid.,* emph. added.

8. *Ibid.*

9. Dallas L. Clouatre, "Making Sense of Hayek," CRITICAL REVIEW 1, no. 1: 73–89, esp. 86–8; David Miller, "The Fatalistic Conceit," CRITICAL REVIEW 3, no. 2 (Spring 1989): 310–23, esp. 311; and on the *moral*, not epistemic or constructivist basis of leftist thought, Jeffrey Friedman, "The New Consensus: I. The Fukuyama Thesis," CRITICAL REVIEW 3, nos. 3–4 (Summer-Fall 1989): 373–410, esp. 394–8, and "The New Consensus: II. The Democratic Welfare State" (n2 above), esp. 645–59.

10. Cf. Robert J. Antonio, "Reason and History in Hayek," CRITICAL REVIEW 1, no. 2: 58–73, esp. 58–9.

11. Clouatre, 83–4; Antonio, 62–6; Miller, 320–21.

12. Karl Marx, "Contribution to the Critique of Hegel's *Philosophy of Right:* Introduction," in Robert C. Tucker, ed., *The Marx-Engels Reader,* 2nd ed. (New York: W. W. Norton, 1978), 55.

13. Cf. Richard Cornuelle, "New Work for Invisible Hands," *Times Literary Supplement,* April 5, 1991.

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Donald W. Livingston

HAYEK AS HUMEAN

In his Hayek and Modern Liberalism, *Chandran Kukathas claims that Hayek's political philosophy is fundamentally incoherent because it is heavily influenced from two incompatible directions: that of Hume and that of Kant. But in fact, the idiom in which Hayek's philosophy is cast is overwhelmingly Humean. Whatever difficulties Hayek's thought may contain, the incoherence Kukathas identifies is not one of them.*

Chandran Kukathas's *Hayek and Modern Liberalism* (Oxford: Clarendon Press, 1989) seeks to establish two theses. The first is that Hayek's political philosophy does not and cannot provide a justification for the sort of individualistic liberalism he has insisted upon throughout his career. The political philosophy fails because it is fundamentally and seriously incoherent, and this because it draws inspiration from two incompatible liberal traditions which Hayek never succeeds in reconciling: the traditions of Hume and Kant. The second thesis is that despite its incoherence Hayek's political philosophy deserves serious consideration from both the defenders of liberalism and its critics. It deserves this because of its social theory, which conceives of social order as the unintended consequence of individual actions. Many defenders of liberal order (especially certain con-

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tractarians and rights theorists) ground their theories in the conception of an abstract individual stripped of all social characteristics. These theorists have been the objects of stock criticisms of the communitarian left for having failed to take account of the essential social nature of man. But such criticisms do not apply to Hayek, whose theory of the individual is thoroughly social and so provides an answer to communitarians on their own terms. Most importantly, Hayek's social theory demonstrates that the left's conception of society as a standing reserve of resources to be used in attempting to achieve "social justice" is incompatible with the nature of *social reality*. Such attempts will not only fail to bring the desired end state, but a determined attempt to attain it must exact an unacceptably high cost in liberty.

As the title suggests, the book is as much on modern liberalism as it is on Hayek, and one of its main tasks is to locate Hayek's thought in both the older liberal tradition of Mandeville, Kant, and the Scottish Enlightenment and in the contemporary debate between such diverse liberal theorists as Rawls, Rand, Rothbard, Nozick, Dworkin, Buchanan, and Oakeshott and communitarian critics such as Sandel, MacIntyre, Plant, Wolff, and Walzer. It differs from John Gray's comprehensive survey, *Hayek on Liberty*,[1] in concentrating on the question of the coherence of Hayek's thought. And in being a critical study of Hayek's thought in relation to other forms of liberalism and its critics, it differs from Eammon Butler's *Hayek*[2] and Norman Barry's *Hayek's Social and Economic Philosophy*.[3] Kukathas has produced a clear and forcefully written study that is wide ranging and cosmopolitan in its outlook. It is free of ideological posturing and converses easily with those on the left and the right. It is philosophically the most interesting work on Hayek available. And if Hayek's political philosophy is ever to have an audience beyond the confines of those already sympathetic to classical liberalism, this book might lead the way.

I turn now to the first of Kukathas's theses, that Hayek is unable to reconcile his Humean and Kantian heritage. Hayek himself once said that in understanding the rule of law "thought seems to have made little advance since David Hume and Immanuel Kant."[4] In this Hayek is not alone, for Rawls claimed that his *Theory of Justice* places a "viable Kantian conception of justice" within a Humean empirical understanding of the "circumstances of justice" (quoted on Kukathas 16). And Sandel has argued that Rawls's political philosophy fails because the philosophical standpoints of Hume and Kant are not reconcilable.[5] But is it true, as Kukathas claims, that Hayek's political philosophy fails for the same reason? I shall argue that it does not and that Hayek is primarily a Humean.

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The Humean Heritage

The "Humean" elements in Hayek's thought are to be found in his theory of society and human nature. Hume's most important contribution is his theory of "convention." A Humean convention is not the result of a promise nor of any conscious deliberation. A convention is the unintended outcome of countless individual decisions reached through mutual adjustment. Hume offers language as an example of such an order. The English language, though the work of men, was not planned or intended by anyone or by any group. Yet it is a highly intricate objective order embodying rules of syntax and grammar. Though these rules were not consciously contrived by anyone, they can be brought to awareness by analysis and employed in conscious deliberation. But all conscious deliberation and construction presupposes background rules of which we are not aware and which were not consciously made. The human world of morals, politics, law, science, religion, art (indeed all that we know as culture) is housed in these historically evolving conventions. These conventions spontaneously evolve to satisfy human desires and to increase the range of things humans may desire and enjoy.

From this conception of the human world, Hume derived a revolutionary conception of reason. Rational action is conducted in accord with rules and principles, but these rules are embedded in conventions and are the unintended but coordinated outcome of attempts to satisfy human desires. Reason did not shape conventions; rather reason is the outcome of evolving conventions. Consequently, reason cannot, in any deep sense, be brought into opposition to desire because reason (rules, principles) simply reflects the unintended but satisfactory adjustment of desires. It is this that Hume has in mind by the famous maxim that "reason is and ought only to be the slave of the passions."[6]

It follows from this that there is no such thing as a reason that transcends convention. Reason or rule following is and must be embedded in the established practices of conventions. We know these rules not by conscious reflection but through *participation* in the practice. It is only by having successfully spoken English that we can later come to know what the rules of its grammar are. Successful participants may abstract rules, principles, models, and ideals from the practice. But these do not "transcend" the practice nor do they "constitute" it, nor do they serve to "guide" it. They are rather abridgements, stylizations, reminders, or mirrors of the practice. Such abstractions may be used in projects of conscious deliberation, but unless interpreted they are entirely empty. And there can be no rule for their interpretation (i.e., an abstraction of the same type), for a rule would then be needed to interpret that rule, and so on. Interpretation

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comes from that tacit knowledge, through participation, available to successful participants in the practice. What Hume said about interpreting ethical behavior applies to interpreting rules in general, namely that in the end, interpretation "must be trusted to the blind, but sure testimony of taste and sentiment," and this, he remarked dryly, is a fact "left by nature to baffle all the pride of philosophy, and make her sensible of her narrow boundaries and slender acquisitions."[7]

The entire "foundationalist" project of philosophy was rejected by Hume. He deployed skeptical arguments not to subvert "reason," but to defend a revolutionary conception of it. He argued that reason is convention-laden and that any attempt to "justify" conventions with a conception of reason independent of convention ends in total skepticism. The authority of conventions is known through our participation in them, not in our speculations about them: "we can give no reason for our most general and refined principles, beside our experience of their reality; which is the reason of the mere vulgar, and what it requir'd no study at first to have discovered."[8] Such attempts at "justification" are exercises in human vanity and are usually covers for ideological purposes. And those who think they have discovered the foundations of conventions by a philosophical reasoning free of all custom and convention are deceiving themselves and others.

The positive task of Hume's philosophy is to remind us that our very identities are constituted by the conventions, customs, and traditions that make up participation in common life. We may think of the totality of custom as a pyramid of customs of which those at the very top are customs such as fashions in dress which are largely the result of conscious design and are subject to alteration by reflection. At the base are deeply established customary beliefs in an external world, other selves, and causal connections which are impervious to alteration by reflection. The task of critical thinking is not to "justify" these conventions but to understand their rationales as best we can, to realize that they are evolving, to correct them by standards internal to the conventions, and to render the whole as coherent as possible. As Hume put it: "philosophical decisions are nothing but the reflections of common life, methodized and corrected."[9]

Hume, then, conceives of reason in evolutionary terms as the solution to the problem of coordinating conflicting needs and desires. These solutions are just the deeply established conventions of common life. Hume's standard of success is not that of "natural selection" but that the convention has been lived through and found "useful" or "agreeable" to participants. One of these conventions, somewhere near the base of the pyramid of custom, is justice. Justice is the solution to the problem of coordinating

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human desires in a condition of scarce goods and limited benevolence. The rules of this convention can be uncovered by self-reflection in the way the rules of grammar of a natural language can be. For Hume the "grammar" of justice can be captured in three rules: the stability of possessions, their transference by consent, and the performance of promises. Hume stresses that these rules are abstract and procedural. Their function is to allow individuals to pursue their aims with minimum conflict. They do not aim at achieving an end-state determined by need, merit, desert, or equality that is then taken to be the defining characteristic of justice. Observing that there are conceptions of justice that purport to do just that, Hume "corrects" them by showing that they are either impracticable or are incompatible with even the minimum amount of liberty that mankind can be expected to require.

Hayek follows Hume in viewing reason as the outcome of civilization rather than its foundation and guide, but he adds a twist that is distinctively his own. He stresses that tacit knowledge (the ability to follow a rule which has not yet been raised to the level of abstract formulation) is more fundamental than following rules that have been abstractly articulated. From this Hayek argues that human beings are limited in their ability to articulate the tacit rules which make possible and guide the formation and application of those rules which have become articulated in language. Hayek agrees with Hume that justice is not a matter of determining a "correct" distribution of things but is the solution to the coordination problem posed by scarce goods and limited benevolence. To this Hayek adds that it is also a solution to our epistemological limits: we cannot know how to coordinate our activities without the procedural rules of justice to guide us.

The Poverty of Social Justice

This social, evolutionary, and procedural conception of reason and justice is the ground for Hayek's attack on all forms of social justice: the view that justice is a question of the rightness of distributive outcomes. This supposes that the critical theorist can stand outside of society as its sovereign spectator, lay out the correct overall plan of society, and through social engineering implement it. But if the social-evolutionary view of reason is right, then no single mind or group of minds can know more than a fraction of what is known to all individual minds, and this sets limits to the extent to which conscious planning can impose upon the results of unconscious social processes. This is the monstrous folly of modern times manifest not only in totalitarianism but in utilitarianism, legal positivism, contractarianism, and the many forms of "critical theory" that have found

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inspiration in the Frankfurt school. Social institutions are conceived as an original source of prejudice and distortion. All social institutions are methodologically presumed guilty until they can be made to conform, if at all, to the favorite construction. The central teaching of Habermas's "critical theory" is essential to all forms of social justice, namely that the task of philosophy is to free our cognitive faculties from the distorting and coercive influence of social forces. Hayek's view is just the opposite: reason, being the outcome of social institutions and embedded in them, cannot, without absurdity, be conceived in opposition to them. This, of course, is not to say that no social institution can be criticized but only that any criticism must presuppose the background of social institutions as having original authority to discipline judgment.

Projects of social justice, insofar as they are taken seriously, tend to subvert morality and reason, for both are products of tradition and are embedded in tradition. The ideal of social justice also fosters massive self-deception, for the theorist must imagine himself occupying a position he does not and cannot occupy. He must think of himself, in reflection at least, as outside of society with knowledge sufficient to implement an overall design that would make society "just." But the theorist is in fact a participant in the social order; both he and the institutions in which he is embedded are evolving in ways he cannot know, but must be left to those yet unborn to determine. Nor can he know what effect his theories will have on the evolution of these institutions, for he cannot know how others will interpret them or what implementing them will mean to those who must live through the implementation.

The project of social justice ignores the most significant fact about human nature in society: ignorance. Rawls, for instance, frames a theory of justice independent of any existing social institutions and so free from the distorting influences of such institutions. The rules of justice, constructed in this social vacuum, are supposed to capture a "natural" sense of justice which we all have as moral persons. But Hayek argues not only that our natural sense of justice changes but that the sense, whatever it might be, can never be adequately articulated because the background assumptions cannot be fully articulated. Whatever rules we formulate will be underdetermined in application and will be guided by tacit knowledge of which we are unaware. This point has been made in different ways by Wittgenstein, Kripke, and Polanyi. Since we can never have (on pain of infinite regress) a rule to follow in applying the rules, we must frankly and honestly admit that we are creatures of tradition and reform our notion of critical thinking in accord with this fact. So there can never be a theory of social justice which describes a social structure governed by explicit rules that captures our sense of natural justice and to which all social activity

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must conform. At most such rules as are formulated are aspects of the social order which, by virtue of the theorist's favorite prejudices, are thought of as having authority to command the whole. To put it another way, we can have neither explicit knowledge of the structure of society as a whole nor of whatever our natural sense of justice might be. This radical and ineliminable ignorance is a barrier through which no theory of social justice can penetrate. Determined attempts to do so end in a great loss of liberty and human well-being. Theorists of social justice, however, acting as they do in the name of justice and humanity, are usually conceptually protected from recognizing the destruction wrought by their own projects. For them the favorite cause of social ills is, and must always be, the "blind" forces of custom and tradition.

Hayek, Hume, and Vico

Rawls supposes a common perspective available to all moral persons, and on the basis of which one can define what makes a distribution of goods, rights, and duties "just." But Hayek argues that there is no such common perspective. An individual cannot fully articulate his own knowledge of right and wrong nor can he know enough about the world to be certain of his own judgments and those of others. And insofar as moral principles have been formulated (and the most articulate formulation of them occurs in philosophy), disagreement becomes worse. Whatever other value it might have, philosophical reflection increases rather than decreases the range of disagreement, and it does not serve to soften and humanize the disagreement that exists. Institutions of justice evolved spontaneously as a remedy for this epistemological predicament. Mankind palliates what cannot be cured.

Institutions of justice embody rules which are the work of many hands over many generations. Loyal participants in the conventions of which they are a part have lived through them and found them, as Hume says, "useful" and "agreeable" to themselves and others. Individuals, who do not have much confidence in their own philosophical judgments about the nature of justice and even less in that of others, have confidence through participation that the institutions they have inherited serve the interest of justice, whatever exactly that might be. The institutions are "justified" not in the sense that a philosophical theory capturing the natural sense of justice can be brought forth as their "foundation"; rather it is that institutions would not survive if brought into serious conflict with the natural (traditional) sense of justice, however difficult it might be to say what that is. Hayek's view here is well expressed by Hume: "The general opinion of mankind has some authority in all cases; but in this of morals 'tis perfectly

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infallible. Nor is it less infallible because men cannot distinctly explain the principles, on which it is founded."[10] By "infallible" knowledge Hume does not mean a Cartesian or Rawlsian philosophical spectator occupying the view from nowhere and entirely stripped of all traditional characteristics. Rather the general opinion of mankind is infallible in the sense that the Italian language is necessarily what the Italians think it is (and not when they reflect but when they *speak*).

Here is a case of what I have called knowledge through participation as distinct from knowledge through speculation. There is no "view from nowhere" untainted by the "distorting" influences of custom whereby one can tell what a natural language is. Natural languages evolved spontaneously in order to satisfy the human need to communicate and to coordinate activities. Natural languages occur at the very base of the pyramid of human conventions, and though appearing in great variety, they all have a common function. And so it is with conventions of justice and all the other conventions that make up the human world.

The idea that the human world is transparently knowable through participation, but is opaque through speculation was first framed in Vico's principle: *verum et factum convertuntur*. The true is the made. To truly understand something, as opposed to merely observing it, is to have made it. Since God made the world only he can understand it. A physicist, therefore, does not have a true understanding of his object. He can make theories about it, but he did not make it. In the end, he can only be a spectator of it, charting the constant conjunctions that fall before his experience. Since the human world was made by men, it can be understood by men. But it was not made in the sense of having been designed by one man nor by a group of men. The conventions of the human world are not "clever" ideas worked out by brilliant men or founded by great statesmen or philosophers. They are the work of countless hands acting often in ignorance of each other but yielding a coordinated activity which becomes established in conventions. Kukathas observes that Hayek recognizes his lineage in Vico as well as in Mandeville and the Scottish Enlightenment. (A comparative study of Hayek and Vico would be most interesting, especially a study of their views on jurisprudence.)

Modern political philosophy for the most part has ignored the model of knowledge through participation defended in different ways by Vico and Hume in favor of the model of knowledge through speculation defended by Descartes, Hobbes, Kant, etc. But to conceive of the human world under the spectator model is to transform that world into a strange and alien object. And so philosophers go through the self-deceptive fiction of stripping themselves of the moral wardrobe of tradition in order to cleanse themselves of prejudice. So purged, the philosopher becomes a spectator

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and finds himself occupying the view from nowhere. Here he has a privileged view from which to contemplate natural rights (Locke, Nozick), or to form uncoerced contracts (Hobbes, Kant, Rousseau, Rawls, etc.), or to engage in uncoerced communication (Habermas, feminist theorists, etc.). The wisdom embodied in historically evolved conventions is methodologically rejected. In an astonishing act of self-deception, philosophers divest themselves of the only knowledge they have or can have of how to think critically about society. The absurdity in this methodological act of purging away one's own substance is that the privileged principles arrived at are abstract and so are empty unless interpreted by some favorite prejudice drawn from the very domain of convention that was rejected as distortive. But so clothed, the principle is now arbitrary, loses its privileged character, and becomes a candidate for that favorite modern project of "unmasking." The privileged principle therefore is either *empty* or *arbitrary*. The method of purging oneself of tradition in order to think "clearly" or in an "uncoerced" way—so dominant in modern political philosophy—is to be rejected not because it is a *radical* form of criticism which does not show sufficient respect for tradition, but because it is no form of criticism at all! A method the principles of which are either empty or arbitrary is simply not a critical method. Modern philosophers are protected from this mortifying reflection by an act of self-deception which is massive and perhaps invincible, deriving as it does from the vanity and self-display that inevitably accompanies philosophical reflection which purports to be *self-determining*.

Justice and the Range of Reason

Hayek's method of criticism begins in the contrary and correct way of considering individuals as fully social and traditional with particular talents, desires, and obligations displayed in particular circumstances. For these beings, there is no common moral viewpoint either in practice or (and even less so) in speculation. The kind of social order required for beings so conceived is one that coordinates their different aims with a minimum of conflict. For most modern political philosophers justice (as the correct distribution of goods, rights, etc.) is the product of cooperation which is determined by a moral principle. For Hayek, justice (as procedural) is the means of securing cooperation by defining our entitlements. Cooperation best takes place when entitlements are known and stable. Cooperation in ploughing your field is more likely to occur if I know the tractor is mine and the field is yours. Individual entitlements cannot be assigned by abstract moral principle because there are no objective entitlements any more than there are "just prices" independent

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of individual choices in society. Hayek and Hume both teach that entitlements evolve over time and are the trial-and-error result of convention, not agreement based upon philosophical theory and argument. Justice is not founded on agreement but exists precisely because there is no agreement.

Hayek's teaching that justice is procedural and his criticism of "social justice" follows from his theory of social reality as a spontaneous order. And it is on this notion of justice as procedural that Hayek erects a philosophy of liberty. But Kukathas finds a contradiction at the heart of Hayek's social theory which renders the political theory "confused and contradictory" (82). At issue is Hayek's conception of "immanent criticism." Critical thinking for Hayek is limited to testing rules in an established order for their compatibility with the order as a whole. The changes that actually occur in a tradition occur on the level of participation and rarely involve the deliberate planning of speculative reason. Hayek writes: "Tradition is not something constant but the product of a process of selection guided not by reason but by success. It changes but can rarely be deliberately changed. Cultural selection is not a rational process: it is not guided by but it creates reason."[11] And Hayek often stresses the importance of custom over conscious reflection: man "is often better served by custom than by understanding."[12] We typically learn through custom "to do the right thing without comprehending why" it is right.

This, Kukathas argues, means that Hayek has no theory of criticism at all: "we can never know *when* reason can play a useful role in the evaluation of our practices or system of rules. If reason is to have some function in the development of rules of conduct, it must be able to identify the range of its powers; it must be able to specify the domain within which it can assert its powers and thus explain why certain areas of social life, certain practices or institutions will not be subject to rational reconstruction. For Hayek, reason is altogether incapable of such a task" (82). But what is meant by "reason" here? If by reason we mean pure speculation *independent of custom and tradition*, then Hayek *has* determined the domain of reason. Reason purged of tradition is either empty or arbitrary. When *reason reflects on itself*, in a condition of pure autonomy, it discovers its own impotence. This is the discovery Hume and Hayek think they have made. It is not the discovery that Kant and philosophers of social justice have made. They think they have discovered that reason purged of custom is able to impose maxims and laws with an absolute sway and authority. Kukathas does not argue that Kant and the social justice theorists are right in their self-understanding of the domain of reason, but he assumes they are. For he does not seem to have recognized that Hayek has raised and

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answered the question about speculative reason's self-understanding of its own domain.

But there is another sense of reason involved, not reason as speculation purged of custom, but reason as participation in custom. The demonstration by Hume and Hayek that speculative reason purged of custom is either empty or arbitrary does not mean the abandonment of critical thinking. It simply means that a certain conception of reason is incoherent. The positive insight in the demonstration is that reason presupposes custom and tradition. Reason in this sense is simply that of a critical participant in a tradition who is fully trained in the skills and arts of the practice. Kukathas fails to appreciate that such a being knows how to think critically, and if he is a great thinker in the tradition can do so with imagination and ingenuity and will be recognized as great by fellow participants. Kukathas's criticism is based on a confusion between reason as speculation and reason as critical participation. Hayek is under no burden to specify a domain showing "when reason can play a useful role in the evaluation of our practices" and when a practice is "not subject to rational reconstruction." A scientist working within the tradition of modern science is not under obligation to show where the domain of reason begins and where that of established practice begins. Critical scientific thinking is nothing but thinking within the evolving tradition of modern science. The same goes for the Hayekian critic working within the tradition of modern political order.

Another criticism is that Hayek's conception of immanent criticism is contradictory because it requires that we have knowledge of the overall nature and direction of society, knowledge which his theory of society as spontaneous order and his critique of social justice explicitly deny we can have. Kukathas writes: "The contradiction into which Hayek seems to be locked is one in which he is forced to claim that there can be no social theory that can guide our evaluation of the entire structure of our institutions, while conceding that a considerable social theory, explaining the purpose served by our institutions, is necessary for us to evaluate and alter our rules of conduct" (82). But why is Hayek committed to this absurdity? Kukathas offers only one passage from Hayek in support of this devastating claim. In discussing the idea of immanent criticism, Hayek says that rules of a system can be criticized for their "consistency or compatibility with the rest of the system from the angle of their effectiveness in contributing to the formation of the same kind of *overall order of actions* which all the other rules serve" (italics mine).[13] By "overall order of actions" Kukathas reads Hayek as requiring the same kind of comprehensive knowledge and total criticism that issued from the view from nowhere taken up by the speculative philosopher that Hayek has so eloquently criticized over

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the years. But Hayek simply means here the vague holistic background that all participants in a practice necessarily have. All speakers of English have a vague notion of the whole of the language against which they can test claims about what the grammar is or other disputes that may arise. This background understanding of the whole is deeper in some than in others; we can be corrected in our views about it; and it can never be fully comprehended. That this is Hayek's meaning is evident from his writings but also from the next sentence of the passage Kukathas brings forth in support of his claim. There Hayek says "we cannot redesign but only further evolve what we do not fully comprehend."[14] Since Kukathas is aware of this sentence, the only reason he could have for charging Hayek with inconsistency would appear to be that he cannot understand how immanent criticism is possible unless Hayek has the sort knowledge of social institutions which he has said is impossible. This becomes clear enough when Kukathas writes that "without some kind of social theory [of the sort Hayek proscribes] there can be no way of identifying rules, much less of distinguishing between a majority and a minority of rules—even if one assumes (what is surely false) that all rules are of equal significance" (82). Again Kukathas fails to appreciate what it is to think critically within a tradition. Skillful participants in a practice do not need a social *theory* to enable them to know that some rules are more significant than others. They would not be successful participants if they could not make such distinctions.

According to Kukathas this alleged contradiction in Hayek's conception of immanent criticism undermines entirely his ability "to make any positive claims about the good society: about the principles which govern its operation or how we might move toward it. . . . His anti-constructivist epistemology suggests that we can never articulate the principles of a liberal order for we can never comprehend the workings of society well enough to know what kind of rules would best sustain it" (83). Kukathas does not seem to realize that if this is true, then the second thesis of his book collapses. The thesis is that although Hayek fails as a political philosopher, he succeeds as a social theorist demonstrating that doctrines of social justice, dependent upon central planning, cannot succeed in practice. Only if the "anti-constructivist epistemology" is accepted does the demonstration go through. But Kukathas seems to be saying that it is precisely that doctrine which renders Hayek's theory of immanent criticism incoherent and with it his political philosophy. But if the anti-constructivist thesis is rejected, or weakened, doctrines of centrally planned social justice are back in business. Throughout the study Kukathas seems to presuppose the validity of the constructivist stance or at least of a conception of reason that is incompatible with Hayek's. But that conception is never spelled

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out, and there is no attempt to refute Hayek's conception. Kukathas's frequent claims that Hayek contradicts himself amount to little more than denials of his teachings which beg the question. There is little attempt to imaginatively enter Hayek's thought to see how the alleged contradictions might be handled. The result is a study that moves interestingly along the surface but never quite penetrates to the deep questions that must be asked about Hayek's conception of reason and justice.

Liberty and Moral Rationalism

Hayek has said that his conception of liberty is essentially that of the Old Whigs: a free man is one uncoerced by the arbitrary will of another. It is essentially a negative notion, and Hayek defends it by reference to his theory of society as a spontaneous order. Liberty makes possible the unintended coordination of human activities that is the distinctive feature of human social order. Liberty promotes order not anarchy, and efforts to interfere by reconstructing society are counterproductive, serving only to destroy the benefits of spontaneous order. Liberty frees up undiscovered capacities, and increases the scope of experience. Hayek does not value liberty because it enables one to match preferences with goods. He does not conceive of human beings as utility maximizers. Liberty is rather a discovery procedure, enabling us to discover what our preferences are. Liberty is not useful in achieving rational outcomes so much as it is reason that is the outcome of liberty.

But Kukathas argues that this apparently negative view of liberty is really a positive one drawing Hayek into company with Spinoza, Kant, and Rousseau. The positive conception of liberty is that one is free when one acts in accord with reason. For Hayek, acting in accord with reason is following rules that have spontaneously evolved into traditions. Thus if one acts in accord with tradition, one is acting rationally and so is free. And this, Kukathas thinks, comes close to the Kantian and Rousseauistic doctrine that "true" law cannot limit freedom. Kukathas goes so far as to force Hayek into the Kantian formula: "Freedom is obedience to laws which a rational agent would prescribe to himself . . ." (142). But this is, again, to confuse reason as speculation (independent of custom) with reason as participation (custom-laden). The Kantian formula employs the notion of reason as independent of custom. The Hayekian rational agent is always embedded in custom and so cannot entertain the thought that the law he obeys is the law he would have chosen in a state purged of all custom. The Hayekian agent, of course, finds the law acceptable but for reasons quite different from those that attach to the "positive freedom" doctrine of Kant and others.

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The same confusion occurs in Kukathas's attempt to assimilate Hayek's notion of "true" law with Kantian universalizability. By "universal" Hayek means "impartiality" among concrete individuals richly clothed with an historical imagination and having their own aims and demands. Kantian universality ignores these concrete characteristics in favor of an abstract moral quality attaching to individuals abstracted to the level of mere rational agents. It is true that Hayek finds inspiration in Kant's philosophy of law. But Hayek is not an historian of ideas. His tendency is to focus on the insight he finds in a philosopher, ignoring what is problematic. And he tends to identify the thinker with the insight. Kukathas makes too much of Hayek's Kantian heritage. Hayek says little about Kant in comparison to what he says about Hume, the Scottish moralists, and the English Common Law. Indeed, Hayek observed that Kant's understanding of universal law "seems to derive directly from Hume."[15] This, of course, is a highly stylized reading of Kant, of the sort one frequently finds in Hayek's critical remarks on philosophers. So there is not a radical conflict between Hayek's Humean and Kantian heritage. There is mainly a Humean (Scottish moralist, Common Law) heritage with "Kantian" aspects which are thought of in Humean terms.

Moreover, it is true that Hayek thinks liberty is not incompatible with "true" law. But this is true, in some fashion or other, of every theory of law except legal positivism. And there is a Humean version of the doctrine. So there is no reason to think of Hayek as sliding towards something like the doctrine of Kant or Rousseau.

Kukathas's criticism of Hayek's conception of the rule of law is of the same order as his criticisms of Hayek's theories of immanent criticism and liberty. The theory of the rule of law follows from his theory of society and is Humean in that its sole function is to protect a private domain in which the individual is free to plan and conduct his life. The abstract features of law are universality and equality. But these, Kukathas claims, are not sufficient to show how the domains are to be limited. Universality and equality impose no restraint on government intervention other than consistency among general rules: "Unless the domain is clearly identified, the rule of law is not always going to produce liberal rules" (160). Now it may well be that Hayek's notion of the rule of law needs improvement. But Kukathas has given no reason for thinking so. Indeed, he appears to have misunderstood the nature of Hayek's theory. First of all there is no explanation of just what the "liberal rules" are that Hayek's theory "is not always going to produce." Throughout the book there is a background assumption that Hayek is committed to some sort of liberalism (never specified) which his theories rule out, and so he is inconsistent. Kukathas does mention examples of laws of which Hayek approves which offend

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the liberal principles he, Kukathas, has in mind, e.g., conscription, taxes, welfare safety-net programs, and support for the arts. But these are laws which satisfy the conditions of Hayek's liberalism; so there is no inconsistency.

Kukathas apparently demands logically necessary and sufficient conditions for marking out the private domain. If there is to be a safety net, there must be a rule to specify "how the level of the 'safety net' is to be set," and so on (163). But the central teaching of Hayek's theory—that reason is tradition-laden, that rules without tradition are indeterminate, that through tacit knowledge locked into traditions we know more than we can formulate in rules—implies that the conditions Kukathas is demanding are impossible. For what he finds objectionable is that "the rule of law is not sufficient to justify or forbid any substantive practices" (162). But no abstract general rule can determine practice except in an abstract and general way. If one wants "substantive" content in a domain, one must speak in the *substantive mode of discourse* and not in the abstract, general mode. Political philosophy can go only so far. All it can determine are abstractions or abridgements of practice. The error of philosophers generally, and especially of those of us trained in the Anglo-American analytic tradition, is to treat the concept, the proposition, the theory, the system as having a reality it does not have. All of these are abridgements of practice. Their understanding and application (generating substantive policies) depend upon the tacit dimension of the practice not captured in the abridgement. The "substantive" content Kukathas is looking for is in the tacit dimension underlying the rule of law theory and that means in the political tradition in which the idea arose.

Most forms of liberalism do not acknowledge the tacit dimension as an essential part of critical thinking (Oakeshott and Hayek are notable exceptions). The concept, the abstraction, is sufficient. The most important thing is to purge thought of the distorting influences of tradition. What happens, of course, is that philosophical disagreement is multiplied endlessly. This disagreement should be an embarrassment to rationalistic forms of liberalism, which is a philosophy founded on the claim that there *is* agreement, or would be, if we were properly purged of the distorting influences of custom and prejudice and could enter the vacuum of the "original position," "the state of nature," etc. For thinkers of this sort, who do not acknowledge the tacit dimension as a part of critical thinking, the type of criticism offered by Kukathas is sufficient. But for thinkers such as Hayek it is not. Not only does Hayek acknowledge the tacit dimension, his own theorizing *instantiates* the doctrine. So to read Hayek properly, one must pay attention to the tacit dimension that gives content to the abstractions and abridgments of practice that make up Hayek's theory. Neither

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Kukathas nor anyone else has, to my knowledge, interpreted Hayek in this way. Hayek is read as if he had never uttered anything about the tacit dimension being essential to critical thinking.

Eloquence and Liberty

But if the tacit dimension, by definition, cannot be captured by abstract formulation, how does it appear in thought? An adequate answer cannot be given here. But the following can perhaps open the question and suggest a fresh way of reading Hayek. The tacit dimension was recognized by Aristotle in his *Topics*. The topic, or commonplace, is the background scene of thought from which the syllogism arises. The syllogism is the formalized, but limited, speech of the commonplace. Aristotle's topic or commonplace is roughly the same as Hayek's tacit dimension or tradition. But the syllogism is not the only way (and not even the most important way) of articulating the tacit dimension. Eloquence is the name traditionally given to that form of thought which brings the commonplace to awareness. Eloquence is not elegance, or ornament, or manipulation. Eloquent speech is the speech of the *whole*. Eloquence comprehends the whole of the topic at hand. It is that form of thought which raises to awareness the whole of the tacit dimension or a whole within it. And it does this not through conceptual analysis but through the arts of rhetoric which employ sensuous images and other topics of the concrete. Though it universalizes in the sense of revealing the whole of the topic, it always does this through the medium of the concrete. It could not be otherwise since the whole is the tacit dimension in practice, and practice is always particular and concrete. Since philosophy is concerned with the whole, eloquence provides us with the most important sort of philosophical self-knowledge. Eloquent speech reminds us of who we are and of the orders of being (conventions) in which we participate.

I would like to suggest that Hayek's political philosophy should be read as an eloquent speech in the modern liberal tradition addressed to participants who have either experienced the fruits of liberal regimes or have participated through sympathy with those who have. Participants do not seek to "justify" liberal regimes. They have lived through and found them to be good. They know this through participation not through speculation. Attempts to justify such experience are really attempts to justify a *theory* which is an abstraction or abridgement of practice and which is logically connected to a "justifying" abstraction which is in conflict with other abridgements and so on. Hayek, unlike most liberal theorists, never tries to justify liberal practice. His political philosophy is a speech telling us what liberty is and reminding us of who we are. He understands the

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truth of Hume's saying that there is no theory "but what may, with facility, be refined away, if we indulge a false philosophy, in sifting and scrutinizing it, by every captious rule of logic, in every light or position, in which it may be placed."[16] Adults who know who they are have no need to justify themselves.

Much of what Kukathas finds missing in Hayek is there but falls through the gross net of conceptual analysis. To recover it Hayek must be read rhetorically as well as analytically. I have not space for such a reading here; but Hayek's writings are filled with eloquent images which provide content to his reflections, not the least of which is the image of his work as that of an unrepentant Old Whig, with all that that means. The eloquent voice of the Old Whigs speaks in *The Road to Serfdom* and something of the voice of Burke and Hume is to be found in *The Counter-Revolution of Science*. Just how good Hayek is at the philosophic art of eloquence is a question. But it is beyond question that his own theory of reason demands that he exercise the art and be judged by his skill at it.

The art and *philosophic* meaning of eloquence is no longer part of our education. The suggestion that eloquence is essential to critical thinking will appear to many to be obscurantist. Eloquence, as a science, was dying by the eighteenth century. In a remarkable essay "Of Eloquence," Hume claimed that eloquence is the only art at which the ancients are clearly superior to the moderns, and he urged, but doubted the possibility of its revival in modern times. Vico, for whom Hayek has great praise, also urged the restoration of the study of eloquence in the human sciences. He observed in 1737 "that if eloquence does not regain the luster of the Latins and Greeks in our time, when our sciences have made progress equal to and perhaps even greater than theirs, it will be because the sciences are taught completely stripped of every badge of eloquence."[17] Vico saw this as a willful and perverse blocking out of the tacit dimension in favor of conceptual analysis. It is perverse because in ignoring the tacit dimension, modern man disowns the most important sort of self-knowledge. Vico called this the "barbarism of reflection." Hayek, for the most part, is free of it. His commentators, for the most part, have not been.

Kukathas's remedy for what he thinks is Hayek's empty notion of the rule of law is a separate moral realm (as in Kant and Rawls) where the task of the rule of law would be to secure an independently known justice. Kukathas searches through Hayek's writings to see if there is a moral theory which could establish an independent moral realm. He finds only Kantian, contractarian, utilitarian, and conservative aspects of moral thought incoherently scattered throughout. He concludes by observing that Hayek is guilty of the criticism Kant made of Hume, namely, that Hume had a moral anthropology but no moral theory capable of distin-

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guishing between moral right and wrong (202–3). Kukathas simply assumes the truth of Kant's understanding of morality. He seems unaware that Hume's criticism of moral rationalism applies also to Kant. Hume argued that any attempt to determine right and wrong independently of human nature (as Kant does) must end in principles that are either empty or arbitrary. If this is true, it is Kant who cannot determine the principles of right and wrong. To which we may add Vico's criticism that modern moral rationalism is a particularly telling instance of the "barbarism of reflection."

But it is remarkable that in searching for a moral theory in Hayek, Kukathas failed to discover the one theory that we may plausibly conjecture is presupposed throughout, namely, the moral sentiment theory as developed by Shaftesbury, Hutcheson, Hume, and Smith. Unlike the Kantian and utilitarian theories which have dominated contemporary discussion in ethics, the moral sentiment theory does not seek a supreme rule to determine the morality of individual actions and under which individuals become abstractions. It rather begins with the concrete individual and by a certain kind of reflection builds up a moral judgment. It is a form of moral thinking of the concrete, by the concrete, and for the concrete. Perhaps for this reason it has not quite made it into the canon of modern moral philosophy. But it deserves to be included. Little has been written about it by philosophers and fewer still have developed it in their own ethical work, as they have developed Kantian and utilitarian theories. Much that has been written about it is a distortion brought on by trying to force it into the popular Kantian and utilitarian molds. Moral sentiment theory owes much to the Aristotelian tradition, but is free of its metaphysical baggage. Being an ethics of the concrete, it requires eloquence as I have described it. Smith compares the structure of its criticism to literary criticism. Smith, like Hume, deplored the decline of eloquence and was well known for his lectures on rhetoric. Its spirit is very much the morality of the Old Whigs whose thought on liberty was rooted in the concrete attachments of the country party (it was the new Whigs such as Price who flirted with rationalism). And if one has the eye, it can be discerned as the moral background of Hayek's political philosophy.

NOTES

1. John Gray, *Hayek on Liberty* (Oxford: Basil Blackwell, 1984).
2. Eammon Butler, *Hayek: His Contribution to the Social and Economic Thought of Our Time* (London: Universe, 1983).
3. Norman Barry, *Hayek's Social and Economic Philosophy* (London: Macmillan, 1979).

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4. F. A. Hayek, *Law, Legislation and Liberty,* vol. 1 (Chicago: University of Chicago Press, 1982), 6.
5. Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).
6. David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge (Oxford: Clarendon Press, 1978), 415.
7. David Hume, *An Enquiry Concerning the Principles of Morals*, ed. L. A. Selby-Bigge (Oxford: Clarendon Press, 1975), 267.
8. *Treatise*, xxii. For an in-depth study of Hume's conception of the autonomy of custom and his critique of rationalism in politics, see my *Hume's Philosophy of Common Life* (Chicago: University of Chicago Press, 1984).
9. David Hume, *An Enquiry Concerning Human Understanding* (Oxford: Clarendon Press, 1975), 162.
10. *Treatise*, 552.
11. Hayek, "Epilogue" to *Law, Legislation, and Liberty*, 166.
12. *Ibid.*, 157.
13. Ibid., 167.
14. *Ibid.*
15. F. A. Hayek, *Studies in Philosophy, Politics, and Economics* (London, 1978), 117.
16. David Hume, *Essays Moral, Political, and Literary*, ed. Eugene Miller (Indianapolis: Liberty Classics, 1985), 482.
17. Giambattista Vico, "The Academics and the Relation between Philosophy and Eloquence," in *On the Study Methods of Our Time*, trans. Elio Gianturco and Donald Philip Verene (Ithaca: Cornell University Press, 1990), 87. For a discussion of Vico's "barbarism of reflection," see Verene, *Vico's Science of Imagination* (Ithaca: Cornell University Press, 1981), ch. 7.

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G.B. Madison

THE PRACTICE OF THEORY, THE THEORY OF PRACTICE*

In response to the recent antitheory movement which has called into question the relevance of theory itself, this paper seeks to defend the practice of theory. Taking hermeneutical theory as its model, it seeks to show how a properly postmodern conception of the role and function of theory eludes the criticisms elaborated by various antitheorists. In formulating a new way of envisaging the relation betweeen theory and practice, it seeks not only to defend the theoretical enterprise but to demonstrate as well its importance for the discursive practices of the human sciences and for socio-political praxis.

The last several years have witnessed the emergence of an antitheory movement that has called into question the practice of theory itself. In many respects the call for an "end to theory" is allied with similar calls for the "end of 'man,'" the "end of universalism," and the "end of

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philosophy"—antihumanism, antiuniversalism, and antiphilosophy. Humanism stands accused of being a form of anthropocentrism; universalism is denounced in the name of localism or particularism; and philosophy, perhaps the supreme instance of theory, is criticized for being hopelessly "logocentric." Two fairly representative spokespeople for this attack are Richard Rorty in (post)philosophy and Stanley Fish in literary studies.

Fish has gone to great lengths to assert the "inconsequentiality of theory" (593 pages, to be exact).[1] He argues that theory cannot guide or reform practice, nor exert a critical function. One is what one is by virtue of one's belongingness to a cultural or interpretive community, and theory is not going to do anything about that. To the degree that a theory *does* have an effect, this is because it only states what we already believed anyway. Thus theory does not "cause change or make one aware of one's assumptions." "Theory goes nowhere."

For his part, Rorty tells us that in a "post-Philosophical" age the attempt to understand things by means of philosophical theory is *passé*. Reading philosophy books, he says now, is mostly a waste of time, since it doesn't contribute to human solidarity (though, he would no doubt allow, there is nothing wrong with reading philosophy books as a matter of purely private pleasure). Joining forces with his literary colleagues, he urges us to read novels instead; unlike philosophy, he appears to say, novels have some redeeming social value. Putting his own theory into practice, Rorty resigned as professor of philosophy at Princeton University and moved to the University of Virginia where he is now a generic, all-purpose professor of Humanities.[2]

Both Fish and Rorty are typical of many of those in the antitheory movement in that neither one believes that giving up on theory need result in abandoning a commitment to reformist activism in political matters. Indeed, it is precisely their commitment to liberal, progressive politics which leads them to uphold not only the primacy of the practical over the theoretical—a general characteristic of most postmodern thought—but, even more, the utter uselessness of theory vis-à-vis practice. The latter is not a view I share—although in accordance with my Jamesian leanings I too subscribe to the "primacy of the practical over the theoretical." I freely admit, though, that this is a *theoretical* option on my part. (I hold it because I believe that it can make for better practice.) Thus in this paper I wish not only to defend the practice of theory, I wish as well to argue that its ultimate justification (as a theory *of* practice) is precisely its significance *for* practice.

The Varieties of Theoretical Experience

It is important to note, however, that the postmodern critique of foundationalism and essentialism—to which, along with Rorty, I adhere—does

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not, so to speak, leave all of our theoretical options open. Those ready and willing to enter into postmodernity must be prepared to abandon a number of things. Although hope is not one of them, all of the metaphysical comforts and consolations so pitilessly denounced by Nietzsche most definitely are. In particular, we can no longer console ourselves with the illusion—basic to the entire metaphysical enterprise (and therefore to modern science as well)—that theory can enable us to transcend the finitude of the human condition (the "realm of appearance"), in such a way as to obtain intellectual insight into the "nature of things." In other words, theory in the traditional philosophical sense of the term (whose result is "truth," i.e., pure, disinterested knowledge, *episteme*) is no longer a legitimate intellectual option. In the classical view of things the practice of theory (*theoria*) was a supremely moral undertaking (this was before the modernist separation of fact and value) and involved a kind of ascetic *purification du regard*, the purpose of which was to enable the mind's eye to form an unclouded vision of the supersensorial and supersensible essences of things. Theory for the ancients did not mean what it came to mean for the moderns, i.e., the free-floating construction of imaginative hypotheses whose "validity" is either confirmed or disconfirmed only subsequently by means of empirical verification (or falsification) techniques. Theory meant a direct and immediate *seeing*, an intellectual insight (*contemplatio*) into the intelligible essence of what is.

It should be obvious that such a view of theory rests upon assumptions of a strictly metaphysical sort. It presupposes (1) that everything that is does indeed possess a well-defined essence, which is precisely what makes every thing just exactly the thing it is and not some other thing, and (2) it further presupposes that the "mind" itself is essentially no more than a mirror of nature (the microcosm which mirrors the macrocosm). Indeed, that there even is such a thing as the "mind" is a properly metaphysical assumption.[3] The legitimacy of these assumptions having been undermined by the postmodern critique of essentialism, theory itself, in the classical sense of the term, is no longer something that can be defended. Thus, if this were all that theory is or can be, it would be pointless to want to defend it. What I wish to suggest, however, is that there is an appropriately postmodern way of conceiving of theory, one which not only legitimates the practice of theory, but which also makes theory something indispensable for practice. Before turning to this issue, however, I should also indicate why theory in the modern sense of the term is not an acceptable substitute for classical theory.

If the classical view of theory could be said to be *substantive* (in that it is our means of direct access to the substance or essence of things), the modern understanding of theory is essentially *procedural*.[4] Theory in the modern sense is a function of *method*. As the *OED* defines it, theory is "A

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conception or mental scheme of something to be done, or of a method of doing it; a systematic statement of rules or principles to be followed." Theory in modern times means *theorizing*. It is no longer a passive contemplation of what objectively is but an active juggling of ideas; it is the fabrication, the construction of "theories," i.e., hypotheses, suppositions, conjectures, hunches, etc. In other words, theory consists not of eidetic insights but of semantic constructs the "validation" of which is essentially *indirect*. As exemplified in that paradigmatic form of modern theory, Galilean physics, theoretical knowledge is a function of the so-called experimental (scientific) method. One has "ideas" and then puts them to the test. Unlike the ancients, moderns do not believe that ideas "speak for themselves." If an idea (theory) passes the experimental test, then, and only then, is it deemed "true"—for the time being, at least. Unlike the ancients, moderns can never hope to attain, in their lifetimes, to the eternal and unchanging Truth; they can only hope to aim at it as a limiting idea in the Kantian sense, "asymptotically," as the modern saying has it.

Like classical theory, modernist theory also has its metaphysical presuppositions. Befitting their times, these presuppositions are not so much of an ontological nature as they are of a more specifically epistemological sort (epistemology being the metaphysics of modernity). As articulated by that great articulator of the modernist mentality in general, Descartes, the presupposition at work here is that what the mind knows—all that it really knows—is itself. Theory, for the moderns, is no longer a means for presenting reality, but only of re-presenting it. The basic presupposition of the modern philosopher is that if only he can string his subjective ideas together in the right way, the result will supposedly be that they will form a true representation or likeness of "objective" reality.[5] This was as true of the so-called rationalists on the Continent as it was of the so-called empiricists in Britain, and it continues to be true of their present-day successors, the Artificial Intelligentsia who are busily involved in trying to create a modern-day Golem, the All-Purpose-Thinking-Machine.

Now, from a postmodern point of view there are a whole lot of things about the modernist mindset that are unacceptable. The first and foremost of these is the modern mind itself. To the degree that Wittgenstein and other deconstructionists have deconstructed what the moderns called the "mind," they have performed a valuable service for us all. As someone who was brought up as a phenomenologist (and thus who took to heart the admonition to get "back to the things themselves"), I have never understood how my modernist colleagues could go on living with the totally *farfelu* belief that they are locked up inside their own minds and that all they really know are sense data floating around inside their skulls. Descartes, at least, had, like

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a Tibetan lama and his *Yidam*, enough imagination to conjure up a *malin génie* to play with in the solitude of his own subjectivity.

Thus one of the main things that any postmodernist must find unacceptable in the modernist conception of theory (or theorizing) is the *subjectivistic*, *monological* view of reason it entails.[6] Postmodernism simply cannot accept that the knowing subject is a little man or woman locked up inside of us and struggling to get out. Like all of the other metaphysical oppositions, the inside/outside distinction needs to be deconstructed. Merleau-Ponty attempted to do this by asserting, in response to Husserl: "There is no inner man, man is in the world, and only in the world does he know himself."[7] Paraphrasing Merleau-Ponty we might say: The subject is in the world, a world which is first and foremost a world of practice, and only as an element of practice can theory be justified.

It is of course true that modernism recognizes the importance of practice since, as I have indicated, one of its key presuppositions is that theories, to count as "true," must be validated in a practical and methodical way. And yet modernism's understanding of practice is open to objections in its own right. Practice, for modernism, is essentially nothing more than *applied theory*. Theory and practice form an inseparable couplet in the modernist view of things, and just as theoretical reason is here reduced to the solipsistic monologue of a deworlded and disembodied intellect, so practical reason for its part gets reduced to mere means-end, instrumental or calculative rationality. This has far-reaching consequences—momentous ones, in fact—when, in conformity with the project of modernity, theory is taken as a guide in our dealings with the human life-world. In the realm of economic science, for instance, this produces that Frankenstein monster known as *Homo economicus*.

Since from a modernist perspective the only valid form of theory is one which is instrumentally efficacious, this means that when theory is transposed from the domain of the natural sciences to that of the human sciences, the attempt to theorize human affairs will at the same time mean that attempts will be made to "rationalize" them, as far as possible. Theoretical approaches in the human sciences which do not contribute to the rationalization process will be deemed to be inefficacious and "unproductive." This all tends to result in the technologization of the life-world itself, i.e., in the institution of what Hannah Arendt called expertocracy. Is this an outcome we wish to endorse, or even condone? Are we prepared to accept that, as Pierre Aubenque once remarked, there should be "no room in the current field of thought other than for an accumulation of fragmentary bits of knowledge and for no other kind of philosophy but that of their positivistic justification"? And, in the practical order, are we prepared to acquiesce, as he also said, in "the modern and subtle forms of oppression

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that, in the name of a certain cult of scientificity, are concealed in the increasing functionalization of social life"[8] Do those concerned with human issues—indeed, with the question of what is properly humane—even have any choice in the matter, except perhaps to reject theory altogether as being inseparably bound up with the modernist project of domination and control?

Human Misunderstanding

Whether or not it is true that, as Aristotle said at the very beginning of the *Metaphysics*, "All men by nature desire to know," i.e., have a natural inclination to theory, there can be no doubt that after some 2500 years in which it has privileged theory in one form or another, our culture is so profoundly theoretical that it tends to equate genuine knowledge with theoretical knowledge and with the expertise associated with it. To engage in theory is for us, despite what Stanley Fish might say, to do "what comes naturally." Because "humans are the beings who have the *logos*," i.e., language, Gadamer writes, "at bottom, human beings are 'theoretical beings.'"[9] Doing what comes naturally can, however, as thinkers since at least Protagoras have known, often get us into a lot of trouble.

Precisely because humans are speaking animals, they have an ability other animals lack: They are able to construct and to inhabit "worlds" that are not natural but artefactual. As Isocrates said of the power of the *logos*: "Because there has been implanted in us the power to persuade each other and to make clear to each other whatever we desire, not only have we escaped the life of wild beasts, but we have come together and founded cities and made laws and invented arts; and, generally speaking, there is no institution devised by man which the power of speech has not helped us to establish."[10] The ability we have, by means of language, to construct cities is what makes us "civilized," i.e., civil beings. This is what accounts for our *grandeur*, but it is also, as Pascal might say, the source of our *misère*. For the world-projective function of language harbors, like a recessive gene, its own pathologies. In particular, humans tend to get hopelessly tangled up in the webs of signification that by means of language they are constantly spinning. This was the reason for Rousseau's youthful attack on civilization and the arts in the prize-winning essay which launched his career. From the point of view of a phenomenological observer of human affairs, there seems to be an inveterate tendency on the part of humans to confuse the artefactual with the natural, to, in fact, identify the latter with the former. This is the great source of illusion, misunderstanding, and, in extreme cases, fanaticism (no animal could ever be a fanatic). In an earlier work I sought to defend the thesis (the theory) that human understanding

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has, as it were, a natural tendency to misunderstand itself, and that that is something we must understand if we are ever properly to understand human understanding.[11] Whether or not one is inclined to agree with this thesis (I make no attempt to defend it here), no one, I should think, is likely to contest the fact that mixed up in what humans call "knowledge" there has been, and continues to be, a lot of misunderstanding.

Now there has existed for a long time a theoretical discipline that expressly deals with nonunderstandings and misunderstandings of all sorts. It is called *hermeneutics*. Hermeneutics comes into play whenever and wherever, due to cultural, historical, or other sorts of distantiation (alienation), there is a lack of understanding, if not outright misunderstanding. Hermeneutics can be defined as the theory of interpretation, and interpretation is something that is called into play whenever we lack a direct and immediate understanding of that which we want to understand (such as a passage in the Bible) or there is some confusion in the matter at hand.

So if the antitheorists are right and it is indeed the case that the modern conception of theory misunderstands the nature of properly human practice, then perhaps there is something here for hermeneutics to understand. And in understanding why modern theory fails to understand (and thus to be relevant to) human practice, perhaps hermeneutics can provide us with a *post*modern but nonetheless *theoretical* alternative to modernist theory. This in any event is what I would like to suggest, drawing courage from the remark of two postmodernists who assert: "There is nothing self-contradictory in the idea of a postmodern theory."[12] Let me attempt to argue my position by first outlining what it is that, as I see it, hermeneutical theory involves.

Hermeneutical Theory

Hermeneutics is a theoretical, reflective inquiry that is concerned with, in Gadamer's words, "our entire understanding of the world and . . . all the various forms in which this understanding manifests itself."[13] Its object includes not only natural science and the human disciplines but, quite simply, "all human experience of the world and human living"; it is an inquiry that seeks "to discover what is common to all modes of understanding."[14] What these phrases make amply clear is, as Gadamer would say, "the universality of the hermeneutical problem." Hermeneutical theory is theory in the properly philosophical sense of the term, i.e., theory which claims for itself *universal* scope. Universalism is of course one of those things the validity of which current antitheoretical theorizing contests. But the fact remains that only if hermeneutical theory *is* universal can it claim to be theory in the proper sense of the term—and thus,

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potentially at least, a possible, viable alternative to modernist theory. How, then, does hermeneutics justify its claim to universality?

Hermeneutics is a universal (and thus philosophical) discipline in that its object is not just all modes of human understanding (and understanding is precisely what, as human beings, we *are*) but, more specifically, human linguisticality as such. Now since, as Isocrates said, there is nothing specific to human being that language has not been instrumental in bringing into being, or since, as Gadamer puts it, "language is the fundamental mode of operation of our being-in-the-world and the all-embracing form of the constitution of the world,"[15] and since, in addition, as Gadamer also writes, "hermeneutics reaches into all the contexts that determine and condition the linguisticality of the human experience of the world,"[16] it follows from this that hermeneutics touches upon everything that is properly human, that it is indeed a universal (human) discipline. In what sense, though, is it a *theoretical* discipline? What kind of theory is hermeneutical theory?

As a reflection on human linguisticality, that is, on the various understandings of things that humans come to by means of language and thus, *a fortiori*, on the various *theories* about things that humans have entertained over the ages, hermeneutics is what one might wish to call (although I don't particularly like the expression) a *meta-theoretical* discipline. That is, hermeneutics is an attempt to formulate plausible theories (ones having a genuine understanding-value) about how it is that particular theories (scientific, religious, metaphysical, or other) come to be formulated and believed. (Again, since human understanding tends to misunderstand itself by confusing the theories it fabricates with the reality they purport to represent, to the degree that hermeneutics is the study of human theorybuilding it is also and by that very token the study of human *mis*understanding.)

What hermeneutical theory shares with the modern view of theory (in opposition to the classical view that theory is a direct reflection [*speculum*] or contemplation of reality itself) is the belief that theories are indeed (linguistic) *constructs* and that, moreover, the validity of a theory is always something that must be redeemed in *practice* (although, as I shall attempt to point out in what follows, hermeneutics has a quite different understanding of what this practical validation consists in than does modernism). Both the classical and the modern views of theory had—at least as an operative presupposition—a theory about what theories are (reflections of reality, in the one case, re-presentations of reality, in the other), although this was incidental to what they were as theories (i.e., to their semantic content, so to speak). One of the things that distinguishes hermeneutical theory from both classical and modern theory is that hermeneutics is *explicitly* a theory about theory. Moreover, hermeneutical theory, stressing as it does the finitude of human understanding, maintains that no theory

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can legitimately claim to be what in normal, everyday dogmatic understanding theories normally claim to be, namely a "correct" reflection, representation or model of "reality itself"—unless, of course, "model" be understood to mean "metaphor." For if there is one thing that, hermeneutically speaking, is plainly obvious about human understanding, it is that there is nothing that it cannot take to be a metaphor for something else. As Italo Calvino remarked: "Everything can be transformed into something else, and knowledge of the world means dissolving the solidity of the world. . . . There is an essential parity between everything that exists."[17]

Like phenomenology, hermeneutics is both a *reflective* and a *descriptive* discipline. Indeed, the discipline I am here seeking to describe could perhaps most fittingly be labelled "phenomenological hermeneutics." It is reflective (or reflexive) in that, unlike both classical and modern theory, it does not seek to transgress the bounds of experience in order to coincide with the things as they are in themselves (whatever that might mean); it seeks, rather, to develop an explicit (theoretical) awareness of the structural features of human experience and practice. Merleau-Ponty said that philosophy is nothing other than perceptual faith questioning or reflecting on itself. Perhaps, in a like manner, one could say that hermeneutics is nothing other than human language reflecting on itself and on its own world-constitutive activity and on the fact that "what the world is is not different from the views in which it presents itself."[18] For like the lived body, it is a characteristic of natural language that it is intrinsically reflexive. As Habermas has remarked: "Owing to the reflexive structure of natural languages . . . the native speaker has at his command a unique realm of meta-communicative free play."[19] Hermeneutical theory is, as it were, a natural extension of this self-reflexive, "meta-communicative free play."

Hermeneutical theory is also descriptive. I do not mean by that that it aims at presenting a completely "objective" or "presuppositionless" view of its object, human linguistic experience and practice. No such thing is possible. What I mean can perhaps best be made clear by taking as an example that instance of discursive practice which I shall call "doing science." In contrast to what for so many years passed for "philosophy of science," hermeneutical theory does not attempt to *prescribe* what scientists *ought* to do if what they do is to be worthy of the name "science." It seeks simply to discern what in fact it is that scientists actually do, notwithstanding the theories they may entertain (in large part, no doubt, because of their reading of philosophers of science) about what it is that they are doing when they are "doing science" (most of which have in fact very little to do with what they are actually doing). It was in this sense that Gadamer stated: "Fundamentally I am *not proposing a method*, but I am describing *what is the case*. . . . I consider the only scientific thing is *to recognise what is*,

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instead of starting from what ought to be or could be."[20] In this regard, it may be noted, hermeneutics merges with that discipline which has come to be known as the *rhetoric of inquiry*.[21]

One final characteristic of hermeneutical theory that I might mention here is that hermeneutical theories are not only constructs, they are also, and avowedly so, *imaginary* ones, an exercise in what Vico called *fantasia* (which he held to be hermeneutically indispensable if we are properly to understand that which is alien and unfamiliar, such as a distant historical epoch). Hermeneutical theorizing is like the very experience it seeks to reflect upon (theorize), in that the views (theories) it puts forward about this or that mode of human understanding are themselves interpretive constructs, modes of seeing-as. Hermeneutical theories are, indeed, interpretations of interpretations. For instance, hermeneuticists may seek to understand scientific understanding by viewing what scientists call "scientific explanation" as a form of storytelling or narration with its own rules of genre and by viewing "the scientist as a storyteller who weaves existing knowledge into a persuasive metaphor."[22]

At this point, though, the question naturally arises: If, in contrast to both classical and modern theory, hermeneutics does not look to some sort of correspondence with reality "as it is itself" to justify its theories, what, if anything, is it that serves to justify them?

Hermeneutical Theory in Practice

Since hermeneutical theories are neither *intuitionist* (as in classicism) nor *instrumentalist* (as in modernism) but rather *interpretive*, their validation can come from nothing beyond the realm of human linguisticality and practice, which is to say, the realm of interpretation itself. The question to be put to them is not: Are they true to some "objective" state of affairs existing outside of the interpretive process, one which can serve as an unambiguous criterion with which to arbitrate between conflicting interpretations?[23] For no such criterion is ever available to us. Even if a god were to appear in our midst and utter a definitive pronouncement in the matter of an interpretive dispute, what he said would still be subject to interpretation by his human audience—and would no doubt give rise to a host of conflicting interpretations. Thus, for instance, in the matter of textual interpretation, not even the author's intention can serve as an objective criterion of meaning.[24] For "what the author meant" is itself a matter of interpretation (even for the author him- or herself)—and it may be far less interesting than what his or her text actually says. An appeal to "intention" (or, as Judge Bork would say, "original intent") is even less helpful when we are dealing with large-scale social phenomena, as in the

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case of the historian or the economist. There is always more to texts (good ones at least) and actions than what the authors or actors intended. If things like texts or social orders were consciously designed (or were fully explainable in terms of what was consciously intended), we wouldn't need theories in order to understand them; there would be no need for interpretation. As F.A. Hayek has very pointedly observed: "*It is only insofar as some sort of order arises as a result of individual action but without being designed by any individual that a problem is raised which demands a theoretical explanation.*"[25] A "theoretical explanation" of the sort to which Hayek refers is *interpretive* in that it seeks to unfold the *structural logic* (the "order") immanent in texts or actions themselves.[26] But even if there is no way of avoiding the need for interpretation, even if, as Stanley Fish appropriately remarks, "interpretation is the only game in town,"[27] is there not some way of deciding which among different interpretations is, objectively speaking, the more nearly "correct" one? Unfortunately, there isn't. But this is not to say that in the interpretation business "anything goes."

While it is inappropriate to speak of "correctness" in interpretational matters (since the notion of "correctness" is tied in with a foundationalist, correspondence theory of truth), some interpretations are clearly better than others. There exist criteria for deciding among interpretive theories, but these criteria are entirely *practical*. It all boils down to a matter of reasonableness or plausibility. How well argued is an interpretation? How coherent, how comprehensive is it? Does it bring out aspects of a phenomenon other interpretations have passed over? Etc., etc.[28] Reflecting on the practice of interpretation, psychoanalyst Roy Shafer remarks:

> There are more ways than one to understand reality. Reality is not, as Freud usually assumed, a definite thing to be arrived at or a fixed and known criterion of objectivity. Some ways of understanding reality are simply wrong, as in the case of saying that a person seems to be saying one thing and is "really" saying another. Other ways vary in their specific and general coherence and their explanatory power, and so some are superior to others. For example, some medieval explanations of natural or psychological events can be shown to be inferior to contemporary ones in their being more limited or less coherent.[29]

The important thing to note is that when the "truth-value" of an interpretation is challenged, we cannot compare the interpretation with "reality itself" (for what that is is itself a subject of interpretation); we can only compare the interpretation with *other interpretations*.[30] The simple—some might feel inclined to say "unfortunate"—fact of the matter, the hermeneutical fact of the matter, is that there is no "objective" criterion to which metaphysical realists ("dogmatists," as Sextus Empiricus would say) might appeal (in an attempt to trump their conversation partners) *that is not itself*

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an interpretive entity. When they do appeal to supposedly transcendent criteria ("objective reality"), realists are committing the logical-argumentative error of *petitio principii*, of begging the question.

After one has (let us suppose) demonstrated the coherence, the comprehensiveness, the richness, and the usefulness of a given interpretation in coming to grips with and making sense of all the "data" to be "explained," there is not much more that one can do. Interpretive criteria of this sort (the application of which is not a matter of "method," in the modernist sense of the term, but of practical judgment, what Aristotle meant by *phronesis*) are therefore not only "necessary" but also "sufficient" conditions for accepting an intepretation as "true." It is a fact plain and simple that no absolute ("objective," as the realists would say) standard is necessary in order to compare one thing with another and to see that, in one respect or another, one is better than the other. There is no good reason why the rejection of "foundationalism" (recognizing the unavoidability of "interpretation") should entail the rejection of theory altogether, i.e., rational argumentation—as Richard Bernstein recognizes when he criticizes Rorty for leaving us with "no basis for making a distinction between *rational* persuasion and other forms of persuasion." Bernstein writes:

> When he criticizes our ability to give reasons in support of the central beliefs of our final vocabularies, he means we cannot give any definitive knockdown foundational justifications. But this should not be confused with giving historically contingent fallible reasons to support our beliefs. This is what Rorty himself is constantly doing. We don't need strong foundations in order to assess whether reasons given in specific inquiries are good reasons. One of the major themes in philosophy during the past hundred years—from Peirce through Sellars and Quine to Rorty—has been that it is a mistake to think we can (or need to) give strong foundational justification in any area in human inquiry. But this doesn't mean that we can't distinguish better from worse reasons when we are evaluating a scientific hypothesis or the interpretation of a poem—even if what are to count as "good reasons" are themselves historically conditioned and contestable.[31]

The only "verification" for interpretive theories is the on-going *practice* of interpretation itself. And the ultimate "judge" in such matters is not "reality" (except in a purely metaphorical sense) but the interpretive community to which, as a scholar or researcher, one belongs. An interpretation will be held to be true (and will thus count as true) if it meets with general, intersubjective agreement or assent. If an interpretation does not meet this test, it will be considered an idiosyncratic, subjective "fantasy" bearing no connection to "reality."

The theoretically true is not only that which illuminates, i.e. helps us to attain to a reflective consciousness of our practices; it is also that which can

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help us to get a better handle on our practices, can, in other words, aid us in *changing*, improving upon our practices. The truth of theory lies always, and only, in the practical.

Theory and Practice

When I say that the truth of theory lies always, and only, in the practical, I do not mean to say that theory, as such, is reducible to practice, that it is redundant or, as Stanley Fish might claim, "inconsequential." Unlike both Fish and Rorty, I wish to maintain that theory, as such, can have important consequences for practice. While it cannot, or ought not, as in the case of modernism, seek to *command* practice, it can nevertheless perform a crucial *cultivating* function (as Hayek would say)[32] as far as our practice is concerned. The way in which it can do so is two-fold: in regard to our practices themselves and in regard to the theories we construct about our practices in an attempt to make them intelligible to ourselves. Before saying something about this I should, however, make explicit a distinction I have been implicitly relying upon in what I have said so far.

When speaking about theory and practice and the relations between the two, one's discourse must inevitably be, so to speak, multi-leveled. Three levels of linguisticality (reflexivity) are involved here. The *first* level is our actual practice (or praxis) itself, i.e., the actual behavior of acting human beings in the area of culture, politics, and economics. While this behavior is often not expressly "verbal," it is always verbalizable to some degree or other and is, moreover, linguistic or symbolic through and through (e.g., the physical activity of winking that an anthropologist such as Clifford Geertz might observe and seek to understand is essentially *semiotic*).[33] Note, though, that theory construction is already to be encountered on the level of practice, e.g., the cosmogonical theories of a primitive people that an historian of religions might take as the object of his or her own theoretical concern. The *second* level of linguisticality or discursivity is that occupied by our historian of religions; it is, in other words, a level of theorizing that is already conscious of itself as such. This is the level of discursive practice occupied by the various human sciences or disciplines. The object of theory on this level is the understanding of first-level practices.

It is important to note that the function of theory in this regard is not simply "descriptive." The function of interpretation is not simply that of *Verstehen* in the classical sense of the term, i.e., that of articulating the self-understanding of human actors, in such a way as to achieve an empathetic understanding of them. As Charles Taylor observes:

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> In a sense, we could say that social theory arises when we try to formulate explicitly what we are doing, describe the activity which is central to a practice, and articulate the norms which are essential to it. . . .
>
> But in fact the framing of theory rarely consists simply of making some continuing practice explicit. The stronger motive for making and adopting theories is the sense that our implicit understanding is in some way crucially inadequate or even wrong. Theories do not just make our constitutive self-understandings explicit, but extend, or criticize or even challenge them. It is in this sense that theory makes a claim to tell us what is really going on, to show us the real, hitherto unidentified course of events.[34]

The fact of the matter is that the subjective intentions of actors often do not fully account for the meaning of their actions; indeed, the consciousness that actors have of their own actions is often a *false consciousness*. Thus the relation between lifeworld interpretations (level 1) and hermeneutical-theoretical reinterpretations of these praxial self-interpretations (level 2) is one of *noncoincidence*. It is to be noted that it is precisely this noncoincidence that creates, in the words of John B. Thompson, "the methodological space for . . . *the critical potential of interpretation*."[35] Herein lies the answer to the question: How can the hermeneutical program of understanding what-is incorporate a critical moment? Because there is always, to one degree or another, a certain *décalage* between what people do and what they say they do, critique is in fact integral to interpretive understanding, and this is why both Gadamer and Habermas can insist on the *emancipatory* function of interpretive theory.[36]

The *third* level of reflexivity is what I have already referred to as the "meta-theoretical" level occupied by general or philosophical hermeneutics (second-level theoretical disciplines could be characterized as "regional" hermeneutics). On this level the purpose of theory is (1) to understand just what is going on when, on level 2, attempts are made to provide "explanations" of the "real world" behavior of human agents (e.g.: What is actually involved in the activity of "doing science"?), and (2) to assess critically the relation between level 2 theories and level 1 practices (e.g.: What relation does that theoretical construct called "economic man" have to real-life, flesh-and-blood economic agents?).

With these distinctions in mind, let me now indicate what I take to be the relevance of hermeneutical theory to practice. I shall concentrate, first of all, on the relation of hermeneutical theory to level 2 practices. Hermeneutical theory, I wish to maintain, is not just theory for theory's sake, as an antitheorist might assert, an irrelevant parlor game like, say, metaphysics. It is theory that can actually make a difference in our (theoretical) lives. By making us, as human scientists, more self-conscious of our discursive practices, hermeneutical theory can in some instances enable us to

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improve on these practices, thereby helping to make us better scientists. Or, to put the matter another way, hermeneutical self-understanding can be of therapeutic value by enabling us to rid ourselves of various kinds of methodological false consciousness of which we are sometimes victims, as, for instance, when we seek to do sociology in slavish obeisance to positivist prescriptions. This aspect of the relevance or "applicability" of hermeneutics is one that Donald McCloskey has stressed in his work in the rhetoric of inquiry. McCloskey maintains that an obsession with modernist methodology has blinded a great many social scientists, economists in particular, to the real nature of their discipline. Under the illusion that they are merely representing in a purely objective way a purely objective reality, McCloskey observes that "they do not know they are telling stories and therefore cannot distinguish good stories from bad." Their disciplinary practice would be significantly improved, he believes, were they to become more reflectively aware of what these practices actually consist in. "Experts who recognized their literary devices," he writes, "would stop selling snake oil and would come back into the conversation of mankind. That is where they belong, back where we can watch them."[37]

As McCloskey's last remark suggests, one benefit of a heightened hermeneutical self-consciousness on the part of the human sciences would be the contribution it might make to combatting the cult of "expertocracy." In undermining the modernist, Promethean illusion that by means of theory we can manipulate and control human affairs however we desire (e.g., by means of the supposedly predictive abilities of economic science), hermeneutical theory can help safeguard the integrity of the life-world in the face of the modernist, technocratic threats directed against it. This brings us to the relevance or "consequentiality" of hermeneutics for level 1 praxis.

Theory and Praxis

If there is a place for theory in a postmodern age, it would be, I suggest, that of theorizing a new relation between theory and practice. And I would also suggest that this is what hermeneutical theory has effectively done. The position defended by hermeneutics in this regard stands in marked contrast to that put forward by Richard Rorty.

In *Contingency, Irony, and Solidarity* Rorty completely dichotomizes the public and private realms, and he relegates political theory to the private realm. In his view, political theorists should be excluded from public life. The public realm is the realm of liberal values, but for Rorty there can be no philosophical (rational) justification for these values. If Western societies happen to be blessed with them, it is merely a matter of chance, of historical "contingency." Indeed, for Rorty everything would appear to be

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a matter of "mere contingency." No attempt can or should be made to justify liberalism rationally to those hostile to it. Liberalism is simply a "story" we have been telling ourselves since the Enlightenment, one which we, as Westerners, happen to find congenial.

Hermeneutics believes that any such attempt to confine the philosophical or rational justification of liberal values to the realm of "private life" inevitably undermines these very values. Hermeneutics refuses to accept what Richard Bernstein has aptly referred to as Rorty's "neat apartheid of the private and the public."[38] Since, like it or not, theorizing beings are what (in part, at least) we are, the formulation of *reasons* susceptible of "justifying" our public practices ("taking a philosophical position," as Rorty might say) is a significanat (if not sufficient) factor in the defense and maintenance of these practices. As Bernstein remarks:

> The liberal democracy that Rorty so favors depends upon encouraging public debate in which we are open to rational persuasion. Rational persuasion itself requires the belief that we can give and discriminate better and worse arguments rather than simply digging in and declaring that *my* final vocabulary is immune to criticism.[39]

What then is the hermeneutical position regarding values—those very same values that Rorty thinks cannot be rationally justified but which nevertheless are constitutive of a decent, humane society, values such as freedom, tolerance, solidarity?

Perhaps the most important thing to note in this regard is that hermeneutical theory does *not* attempt to justify values in the traditional way, i.e., by attempting to "derive" them from an objective or natural order of things, one which would thereby serve to "ground" them. Antitheorists like Rorty and Fish appear to think that this is the *only* way to argue for values; because they (rightly) reject this as a legitimate exercise of theory, they (wrongly) conclude that it is altogether impossible to justify values theoretically. However, the values defended by hermeneutics are in no way "essentialist" or "metaphysical." They are not, so to speak, "theoretical" (in the metaphysical sense of the term) but "practical"—in that they are purely and simply those values that are themselves inherent in the "hermeneutical experience" (as Gadamer calls it), i.e., in that most natural and universal of all human activities: the persistent attempt on the part of humans to achieve understanding, self-understanding, and, above all, mutual understanding. In articulating and defending theoretically these values, hermeneutics seeks to do no more than to spell out the (practical) "conditions of possibility" of the communicative process itself.

The values arrived at in this way are, it may be noted, the core values of traditional liberal theory: tolerance, reasonableness, the attempt to work out

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mutual agreements by means of discourse rather than by means of force—from which derives the supreme value of respect for the freedom and dignity of one's fellow human beings (whence, in turn, derives the value of [political and civil] equality).[40] The highest value of all (in that it is presupposed by all the others) is freedom.[41] As Gadamer states, categorically: "There is no higher principle of reason than that of freedom." Note well that he says that this is a principle of *reason*, i.e., theory. "No higher principle is thinkable," he writes, "than that of the freedom of all, and we understand actual history from the perspective of this principle: as the ever-to-be-renewed and the never-ending struggle for this freedom."[42] Freedom is the highest "principle of reason" in that (as the theory of argumentation has shown) no one can claim to be "reasonable" if he or she denies freedom of opinion to others. No one, that is, can deny this freedom without undermining his or her own demand for due consideration that is implicit in the expressing of any opinion whatsoever, and without thereby ostracizing him or herself from collective or intersubjective deliberations as to what is true and right. It was this notion that freedom is the most basic of all values that James Madison was defending when in the famous "Virginia Report" of 1799 he stated that "free communication . . . has ever been justly deemed the only effectual guardian of every other right."[43]

The values that guide the hermeneutical-theoretical enterprise (the values of "communicative rationality") are ones in the light of which it seeks, not only to understand, but also to transform social praxis itself. Hermeneutics is thus that form of philosophical theory that corresponds, in the area of practice, to liberal democratic politics. The hermeneuticist who understands what hermeneutics is and what it entails cannot but be a democrat, and hermeneutical theory itself, in its practical applications, cannot be other than a critical defense of democracy. And it is, as far as I can see, the *only* form of philosophy to be such, in a fully explicit and consistent sort of way. To the degree that democracy is that form of social and political order that our postmodern times call for, to that degree hermeneutical theory provides the philosophical underpinnings for a genuine "politics of postmodernity."[44]

Just as hermeneutical theory is a kind of "meta-theory" in regard to other forms of theory, so also, it could be said, hermeneutical values constitute a kind of "meta-ethic." With someone like Rorty in mind (and, so to speak, to turn the tables on him), we could say that this "meta-ethic" is what goes to make up the *public* morality of the liberal social order. Liberal/hermeneutical values are (as it were) *meta-values* which leave individuals free, in their *private* lives, to adhere to whatever ordinary values they, along with other like-minded people, may so choose. These "private" moralities will normally be a function of the ethnic, religious, or

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other sorts of "communities" to which individuals happen, usually as a matter of pure "contingency," to belong—and which "communitarians" will expend their philosophical energies seeking to defend. The only function that hermeneutical theory can or ought to exercise in regard to "private" morality is a purely "negative" one (which is, of course, positive in its results), that of critically denouncing those "private" values which enter into conflict with the public values of the liberal order (e.g., as in the case of religious intolerance and other forms of fanaticism). Another way of expressing the matter would be to say that while hermeneutical theory most definitely prescribes a *theory of justice*, it is not involved in the business of determining particular, concrete *goods*. For hermeneutics, as for liberal theory in general, anything can qualify as a "good"—so long as it is arrived at by means of communicative rationality (for it will then conform to the ethics of communicative rationality, which is the only form of universal, nonfoundationalist ethics there is).[45] Hermeneutical "goods," it could be said, are, like all liberal goods, essentially procedural, not substantive.

From what I have said, it should be evident that hermeneutical theory claims to exercise a critical and constructive role in the determination of practice. Hermeneutics does not view history as something simply to be suffered, a matter of pure *contingency*, as Rorty would say. History, hermeneutics believes, is something to be actively *made*. History is what we, as free human agents, are responsible for making, though, of course, it is not, as Marx observed, something that we make out of whole cloth. Marx was also right when he said that the point of theory is not just to interpret the world, but to change it. But Heidegger was right too when, in reply to Marx, he said that theory can be effective in *changing* the world only if it first of all *interprets* the world in an appropriate way. The task that hermeneutics has set itself is that of determining what counts as "appropriateness" in matters of interpretation—and thus what can count as ethically-politically acceptable ways of seeking to change the world. The value of hermeneutical theory, *qua* theory, can properly be assessed only in terms of its practical results.

NOTES

1. See Stanley Fish, *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies* (Durham, N.C.: Duke University Press, 1989).
2. For a representative sampling of Rorty's anti-Philosophical views see his *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989).
3. See my "The Hermeneutics of (Inter)Subjectivity, Or: The Mind/Body

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Problem Deconstructed" in Madison, *The Hermeneutics of Postmodernity: Figures and Themes* (Bloomington: Indiana University Press, 1988).

4. As Charles Taylor observes:

> We could say that rationality is no longer defined substantively, in terms of the order of being, but rather procedurally, in terms of the standards by which we construct orders in science and life. For Plato, to be rational we have to right about the order of things. For Descartes rationality means thinking according to certain canons. The judgement now turns on properties of the activity of thinking rather than on the substantive beliefs which emerge form it.
>
> Of course, Descartes holds that his procedure will result in substantively true beliefs about the world. But this is something which has to be established. Indeed, to establish it is one of the most important goals of Descartes' philosophy. We make the link between procedure and truth with the proof that we are the creatures of a veracious God. The procedure is not simply *defined* as the one which leads to substantive truth. It could have been leading us entirely astray, if we had been victims of a malicious demon. Rationality is now an internal property of subjective thinking, rather than consisting in its vision of reality. In making this shift, Descartes is articulating what has become the standard modern view. In spite of the wide disagreements over the nature of the procedure, and despite all the scorn which has been heaped on him form the dominant empiricist trend in modern scientific culture, the conception of reason remains procedural. (*Sources of the Self: The Making of the Modern Identity* [Cambridge, Mass.: Harvard University Press, 1989], 156)

5. See "The Philosophic Centrality of the Imagination: A Postmodern Approach" in my *The Hermeneutics of Postmodernity*, 179.

6. As Donald McCloskey observes:

> The theory of knowledge put forward by the objective, data-respecting, sober style of modernism . . . is that the privileged form of knowing is knowing by the lone person himself, *solus ipse.* No one needs to *say* anything to you, the Cartesian says, to persuade you of the ancient proof of the irrationality of the square root of 2. There is nothing social about your assent to it. . . . The crux of modernism is its solipsistic theory of truth. (*The Rhetoric of Economics* [Madison: University of Wisconsin Press, 1985], 99)

7. Maurice Merleau-Ponty, *Phenomenology of Perception*, trans. Colin Smith (London: Routledge & Kegan Paul, 1962), xi.

8. Pierre Aubenque, "Evolution et constantes de la pensée dialectique," *Les Etudes philosophique* (juillet-septembre 1970): 301.

See also Gadamer's remark:

> Over against the whole of our civilization that is founded on modern science, we must ask repeatedly if something has not been

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omitted. If the presuppositions of these possibilities for knowing and making remain half in the dark, cannot the result be that the hand applying this knowledge will be destructive? (*Philosophical Hermeneutics,* trans. David E. Linge [Berkeley: University of California Press, 1976], 10)

It is the function of hermeneutical reflection, in this connection [the preservation of freedom], to preserve us from naive surrender to the experts of social technology. (*Ibid.*, 40)

9. Hans-Georg Gadamer, "In Praise of Theory," *Ellipsis* 1, no. 1 (Spring 1990): 88.
10. Isocrates, *Antidosis* (Loeb Classical Library edition) 254.
11. See my *Understanding: A Phenomenological-Pragmatic Analysis* (Westport, Conn.: Greenwood Press, 1982).
12. Nancy Fraser and Linda Nicholson, "Social Criticism without Philosophy: An Encounter between Feminism and Postmodernism," in Andrew Ross, ed., *Universal Abandon? The Politics of Postmodernism* (Minneapolis: University of Minnesota Press, 1988), 101.
13. Gadamer, *Philosophical Hermeneutics*, 18.
14. See Gadamer, *Truth and Method* (New York: Seabury Press, 1975), xviii, xix.
15. Gadamer, *Philosophical Hermeneutics*, 3. See also *Truth and Method*, 350: "Language is the universal medium in which understanding itself is realised."
16. Gadamer, *Philosophical Hermeneutics,* 19.
17. Italo Calvino, *Six Memos for the Next Millennium* (Cambridge, Mass.: Harvard University Press, 1988), 9.
18. Gadamer, *Truth and Method*, 406.
19. Jürgen Habermas, "On Hermeneutics' Claim to Universality," in K. Mueller-Vollmer, ed., *The Hermeneutics Reader* (New York: Continuum, 1985), 295.
20. Gadamer, *Truth and Method*, 465–6. See also *Reason in the Age of Science* (Cambridge, Mass.: MIT Press, 1981), 111:

The hermeneutics that I characterize as philosophic is not introduced as a new procedure of interpretation or explication. Basically it only describes what always happens whenever an interpretation is convincing and successful. It is not at all a matter of a doctrine about a technical skill that would state how understanding ought to be. We have to acknowledge what is, and so we cannot change the fact that unacknowledged presuppositions are always at work in our understanding. Probably we should not want to change this at all, even if we could. It always harvests a broadened and deepened self-understanding. But that means hermeneutics is philosophy, and as philosophy it is practical philosophy.

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21. The Project on the Rhetoric of Inquiry (POROI) is a transdisciplinary center of research at the University of Iowa.
22. See Donald E. Carlston, "Turning Psychology On Itself," in John S. Nelson et al., eds., *The Rhetoric of the Human Sciences* (Madison: University of Wisconsin Press, 1987), 151.
23. Note that while according to modernist theory it is in practice that theories are verified, this is because such a confirmation in practice is taken as a sign that the theory corresponds to something "in nature," *beyond the realm of practice itself.* Although they are both related to practice in important ways, neither classical theory nor modern theory is an attempt to theorize practice as such, to be a theory *of* practice, as postmodern hermeneutical theory attempts to be (the proper objects of classical and modern theories are themselves theoretical entities, e.g., metaphysical essences or subatomic particles). (Classical theory is related to practice in that to practice theory, to live the theoretical life, the *bios theoretikos*, is to participate, as Aristotle said, in the life of the divine; *contemplatio*, as the Christians were later to say, leads to the salvation of the soul.)
24. I am of course alluding here to the well-known position of E.D. Hirsch, set out in his *Validity in Interpretation* (New Haven: Yale University Press, 1967). For a critical discussion of Hirsch's position see "A Critique of Hirsch's *Validity*" in my *The Hermeneutics of Postmodernity*.
25. F.A. Hayek, *The Counter-Revolution of Science* (Indianapolis: Liberty Classics, 1952), 69 (emph. added). For an overview of Hayek's hermeneutical theory see my "Hayek and the Interpretive Turn," CRITICAL REVIEW 3, no. 2 (Spring 1989): 169–85.
26. Interpretation, conceived of as the attempt to work out a "rational reconstruction" (in Hayek's words) of the *logic* of a text, situation, or series of events, is well illustrated in the theoretical practice of the world's first great historian, Thucydides. As Werner Jaeger has pointed out, the speeches "recorded" by Thucydides were, by his own admission, *imaginative* reconstructions. Jaeger writes:

    > His belief that, after considering the peculiar circumstances of each case, he could set down what was demanded by the situation (*tà déonta*) was based on his conviction that every standpoint in such a conflict had its own inevitable logic, and that a man who watched the conflict from above [i.e., the historian or storyteller] could develop that logic adequately. (*Paideia: The Ideas of Greek Culture*, vol. 1 [New York: Oxford University Press, 1945], 392)

27. Fish, *Is There A Text in This Class? The Authority of Interpretive Communities* (Cambridge, Mass.: Harvard University Press, 1980), 355.
28. On the matter of criteria see "Method in Interpretation" in my *The Hermeneutics of Postmodernity*.
29. Roy Shafer, *Language and Insight* (New Haven, Conn.: Yale University Press, 1978), 66.

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30. Speaking of practical reasoning (which is the form of reasoning appropriate to interpretational matters), Charles Taylor remarks:

> How then does practical reasoning proceed? How do we rationally convince each other or ourselves?
>
> Practical reasoning . . . is a reasoning in transition. It aims to establish, not that some position is correct absolutely, but rather that some position is superior to some other. It is concerned, covertly or openly, implicitly or explicitly, with comparative propositions. We show one of these comparative claims to be well founded when we can show that the *move* from A to B constitutes a gain epistemically. This is something we do when we show, for instance, that we get from A to B by identifying and resolving a contradiction in A or a confusion which A relied on, or by acknowledging the importance of some factor which A screened out, or something of the sort. The argument fixes on the nature of the transition from A to B. The nerve of the rational proof consists in showing that this transition is an error-reducing one. The argument turns on rival interpretations of possible transitions from A to B, or B to A.
>
> This form of argument has its source in biographical narrative. We are convinced that a certain view is superior because we have lived a transition which we understand as error-reducing and hence as epistemic gain. (*Sources of the Self*, 71)

Compare this with the "view of how theory functions in an interpretive science" as stated earlier by the anthoropoligist Clifford Geertz:

> Although we formulate our interpretation of an outburst of winking or an instance of sheep-raiding after its occurrence, sometimes long after, the theoretical framework in terms of which such an interpretation is made must be capable of continuing to yield defensible interpretations as new social phenomena swim into view. Although one starts any effort at thick description, beyond the obvious and superficial, from a state of general bewilderment as to what the devil is going on—trying to find one's feet—one does not start (or ought not) intellectually empty-handed. Theoretical ideas are not created wholly anew in each study; as I have said, they are adopted from other, related studies, and, refined in the process, applied to new interpretive problems. If they cease being useful with respect to such problems, they tend to stop being used and are more or less abandoned. If they continue being useful, throwing up new understanding, they are further elaborated and go on being used. (*The Interpretation of Cultures* [New York: Basic Books, 1973], 26–27)

31. Richard J. Bernstein, *The New Constellation: The Ethical-Political Horizons of Modernity/Postmodernity* (Oxford: Polity Press, 1991), 281, 276–7.

32. For an analysis of Hayek's views on the relation between theory and practice and a discussion of the distinction he makes between "control" and

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"cultivation," see my "Between Theory and Practice: Hayek on the Logic of Cultural Dynamics," *Cultural Dynamics* 3, no. 1 (1990): 84–112.

33. See n30 above.
34. Charles Taylor, "Social Theory as Practice," in id., *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985), 93–4.
35. John B. Thompson, *Ideology and Modern Culture: Critical Social Theory in the Era of Mass Communication* (Stanford: Stanford University Press, 1990), 323 (emph. in original). On p. 323 Thompson writes:

> *The depth interpretation becomes a potential intervention in the very circumstances about which it is formulated.* A depth interpretation is itself a symbolic construction, capable in principle of being understood by the subjects enmeshed in the circumstances which form in part the object of interpretation. As an interpretation which may differ from their own everyday understanding, the depth interpretation may enable them *to see themselves differently*; it may enable them to reinterpret a symbolic form in relation to the circumstances of its production and reception, to question or revise their prior understanding and prior assessment of the symbolic form and, in general, to alter the horizons of their understanding of themselves and others.

36. In order to forestall any possible misunderstanding, I should state that the exercise of *critique* on the part of the social sciences (level 2 theory) is strictly *value neutral*. By that I mean that it is not and cannot be the function of the social theorist, purely as such, to recommend to the people who constitute the object of his or her study that they pursue this or that goal or adhere to this or that value. It is not the business of the cultural anthropologist, for instance, to "criticize" the values of the culture he or she studies. For the social scientist, values must be taken as simply "given."

    What the critical or "emancipatory" function of social theory (the exposure of a "false consciousness") does consist in is its ability to reveal to actors the sometimes counterproductive nature of their own praxis. In other words, critical social theory can enable people to improve upon their practices by (1) showing how the means that they actually employ in the pursuit of certain goals tend to subvert these very goals themselves and (2) by showing how other means would be more effective in achieving the goals. In any event, the "goals" themselves must be taken as a given, something that remains immune to criticism. Let me illustrate what I mean in the following way: It is not the function of the economist to recommend either socialism (the social values of "solidarity" and "security") or a market economy ("capitalism") (the values of individual enterprise and freedom). Suppose though that (as has generally been the case in the post-"1989" world) a people has chosen to abandon socialism and adopt a market economy in its place. The key, critical role of the economist in this regard consists in showing how the structural dynamics of the existing

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system must be altered, *if* the values of a market economy are to be realized and a new social praxis instituted in the place of the old one.

Again, though, I wish to avoid misunderstanding. I am not advocating, in a typically modernist fashion, that theory in general must be purely "value neutral." As I will suggest in the following section, it is the function of *level 3 theory* to be "critical" in a radical sense. One of the crucial functions of philosophical-hermeneutical theory is indeed that of arguing for certain ultimate values.

37. Donald N. McCloskey, *If You're So Smart: The Narrative of Economic Expertise* (Chicago: University of Chicago Press, 1990), 3, vii.
38. Bernstein, *The New Constellation*, 269.
39. *Ibid.*, 282.
40. I limit myself here to progammatic-like remarks; for a more detailed treatment of the "derivation" of hermeneutical/liberal values see my *The Logic of Liberty* (Westport, Conn.: Greenwood Press, 1986), ch. 11, as well as my "Philosophy Without Foundations," *Reason Papers* no. 16 (Fall 1991): 15–44.
41. As, for instance, Agnes Heller and Ferenc Fehér recognize when they list (negative) freedom first in their list of universally valid moral axioms. See their *The Postmodern Political Condition* (New York: Columbia University Press, 1988), 69.
42. Gadamer, *Reason in the Age of Science*, 9. See also p. 37: "The principle of freedom is unimpugnable and irrevocable. It is no longer possible for anyone still to affirm the unfreedom of humanity. The principle that all are free never again can be shaken."
43. Marvin Meyers, ed., *The Mind of the Founder: Sources of the Political Thought of James Madison*, rev. ed. (Hanover, N.H.: University Press of New England/Brandeis University Press, 1981), 244.
44. See my "The Politics of Postmodernity," CRITICAL REVIEW 5, no. 1 (Winter 1991): 53–79.
45. As the liberal theorist James Buchanan has observed:

> It is impossible for an external observer to lay down criteria for "goodness" independently of the *process* through which results or outcomes are attained. The evaluation is applied to the means of attaining outcomes, not to outcomes as such. And to the extent that individuals are observed to be responding freely within the minimally required conditions of mutual tolerance and respect, any outcome that emerges merits classification as "good," regardless of its precise descriptive content. (*The Limits of Liberty: Between Anarchy and Leviathan* [Chicago: University of Chicago Press, 1975], 6)

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Donald N. McCloskey

THE ESSENTIAL RHETORIC OF LAW, LITERATURE, AND LIBERTY

Three recent books—Richard Posner's Law and Literature, *Stanley Fish's* Doing What Comes Naturally, *and James Boyd White's* Justice as Translation—*struggle over the relationship of law and literature. Fish and White defend the relevance of literature to law; Posner tries to kill the nascent law and literature movement by hugging it to death. Posner's literary criticism is belles-lettristic, concerned chiefly with how "great" a work is. Fish's is social, emphasizing the interpretative community. White attempts to make a new community, in which we come to understand one another by an effort of translation. White's vision is attractive, though it surrenders Science to non-translation. As the sage said, even in science it is translation, and rhetoric, all the way down.*

Imagine a public competition: "Write an immensely erudite book on the connections between law and literature." Three contenders for the laurels would be Richard A. Posner's *Law and Literature: A Misunderstood Relation* (Cambridge, Mass.: Harvard University Press, 1988), Stanley Fish's *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary*

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and Legal Studies (Durham, N.C.: Duke University Press, 1989), and James Boyd White's *Justice as Translation: An Essay in Cultural and Legal Criticism* (Chicago: University of Chicago Press, 1990).

Richard Posner is a federal judge, a formidable legal and economic scholar, who reads ancient Greek well and who has led the application of Chicago-style economics to the law. Stanley Fish is a Milton scholar, a literary theorist, and the creator of the remarkable English department at Duke University, where he is also a professor of law, and has led the application of literary criticism to law and of rhetorical criticism to literature. James Boyd White is a professor of law and of English at the University of Michigan, where he is also adjunct professor of classics (he and Posner studied Greek together when they were on the faculty at Chicago), and a leader in the application of rhetorical theory to law and literature.

The law and literature movement is a group of law and English professors, among them Fish and White, who believe that interpretation in law is related to interpretation in literature, that life in literature has relevance for law in courts, and that the humanities speak to lawyers on the job. Posner, Fish, and White are contending over the matter.

The three men know each other and have been contending together for some years. They are all three prolific (their books are collections of published essays, following the rule of the prolific: never publish only once). In person they make an amusing study in contrasts, each a volatile mixture of American types from Midwest populist to Eastern Brahmin. Don't be too sure which is which. Only Fish has appeared as a character in a novel (two, substantively: he is said to resemble Morris Zapp of David Lodge's academic novels, *Changing Places* and *Small World*, with a cameo in *Nice Work*). The Posner-Fish-White trio deserve a joint appearance in fiction, and await their Balzac.

Summaries of the plots of the three books, such as take up a good portion of Posner's own, would go as follows. The first part of Posner's book examines hundreds of pieces of "Literature on Legal Themes," ranging from Homer to Genet, and asks whether literature contributes to an understanding of law. No, he answers, against what he takes to be the claim of the law and literature movement. The second part examines the literature of criticism, arguing that nothing is to be gained from reading law and literature with similar techniques—especially in view of the alarming theories of interpretation favored in departments of English and comparative literature. After a tour of the law of copyright, he concludes with a call for the academic professionalization of law schools, so they can do the study of law and literature properly.

Stanley Fish is also concerned with professionalism. To him it means the creation of speech communities, these being the only foundations for law

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necessary—or possible. Meaning in law or literature or life is created in such communities. He finds repeatedly that the speakers do not know what they (that same Posner, for example) are speaking about, blinded usually by theory. Good practice is what we need, not more theories. The interpretive theories of academics have no consequences. Law is rhetoric (the name of his last section) all the way down. We "do what comes naturally" when we speak within a serious community of speakers about Books XI and XII of *Paradise Lost* or the legal compensations for emotional injury: that is all ye need to know.

James Boyd White speaks much of community, too. He begins by scrutinizing the "language of concepts" (that is to say, philosophy) and the language of economics, as in the law and economics movement, led by Posner. He finds them bad for the speech community, since they try to shut everybody up. The large middle of the book then turns to the language of law, in particular American constitutional law. White finds in a rhetorical analysis of opinions the materials for a third language. Making texts out of other texts, as the law does, is "translation." A good translation acknowledges the nontransparency of language, but tries anyway. It adjusts the rights of the original text to the rights of the reader, a model for justice, *le mot juste.*

To continue the imitation of Posner's methods of literary criticism, the books can be characterized and given stars, on a scale of * to **** thus:

Posner's book is an embarrassingly obvious attempt to kill law and literature by hugging it to death. The book is embarrassing in other ways, too, showing the limits of even a very intelligent and diligent mind. Still, he is very intelligent, is very diligent, writes lucidly, and occasionally escapes long enough from aping his high-school English teacher to say things worth saying, such as his illuminating discourse on law and equity in light of *The Merchant of Venice* and *Measure for Measure* (Posner 107–110). So the book gets: *1/2.

Fish writes brilliantly, taking chances that leave earthbound writers gaping with admiration. His titles convey the flavor. Two of several responses to the legal philosopher Ronald Dworkin are called "Wrong Again" and "Still Wrong After All these Years." His attack on Posner takes its title from a rock and roll song, "Don't Know Much about the Middle Ages." The essays are consistently brilliant, in more than style. Still, they do rather tend to go over the same ground again and again. It's a lot of Fish at one sitting, though you don't have to clean your plate. For present purposes, then: ***, well worth watching.

White's writing is engaging, if not as engaging as Fish's. The argument seems to have more forward motion than Fish's. White wants to change the way we think about law and literature for the good of both, and for

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the good of human communities generally, whereas Posner wants us to stop instead with law and economics. Nobody's perfect: White is addicted to anticipations and summaries of what he is saying. But if I were going to put one of the three books into the hands of a law student it would be White's. So: ***1/2, and save it for your Christmas list.

If I may be personal for a moment, a reader might naturally assume that someone like me would lean towards Posner's book. I am an economist, and furthermore a quantitative, neoclassical, Chicago school economist. Posner's intellectual world is mine, down to details of our educations. We were colleagues at Chicago for twelve years, are on cordial terms as acquaintances (which will I expect survive even this review). We both love economics dearly and apply it with enthusiasm to subjects hostile to it, such as history and law. We agree at least superficially in politics and share an amateur passion for the classical world. I do not have anything like the reaction to Posner's works on law and economics, regular *** and **** items, as to this book. What is going on?

What is going on is that Posner depends in *Law and Literature* on a theory of theory, in literature and in science, that any reasonable person must reject, if the reasonable person has had the time to think it through. The erroneous theory in brief is that literature and science are two cultures, the one about value, the other about fact, the one for entertainment, the other for knowledge. On this theory the law and literature movement and the law and economics movement are contending for the soul of law. Should law be literature or science, value or fact? I am sorry to say that most intellectuals mouth such things. Fish and White and I do not. We are reasonable. Posner is not.

Posner's conviction that science and literature come from different hemispheres dominates his criticism. What most people, and certainly the reporters from *The New York Times* sniffing out scandal in departments of literature, understand as "literary criticism" is in fact a particular branch of criticism, regarded by Posner as the only natural way to criticize. Its modern founder was Matthew Arnold, whom I might as well admit I admire extravagantly (this is a shameful admission in some literary circles, so you can see that I am trying to be fair). Arnold said, in the days before there was anything like an English Department or a Department of Comparative Literature, not to speak of modern Law Schools, that high culture is "acquainting ourselves with the best that has been known and said in the world." The purpose of the critic, therefore, is to determine what is best.

As I say, most people take this as obvious, because they haven't heard of the other things that criticism can do. They think it must be all like movie criticism of the six-line sort (a truncated version even of Matthew Arnold), ending with an award of stars. They have not heard that a critic

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might uncover, like a social scientist, the human patterns of imagination (thus the late Northrop Frye of Toronto); or that a critic might analyze the moral consequences of literature (thus recently the venerable Wayne Booth of Chicago); or, *horribile dictu*, that a critic might expose the political context of literary production (thus the wicked and terrible Jacques Derrida of Paris).

What a "critic" means to most people is a writer, as Northrop Frye put it, engaged in "odious comparisons of greatness," "unproductive platitudes," the "itch to make weighty judgements" which has "made the word critic a synonym for an educated shrew."[1] That is, a critic is a grader. Four stars. Two thumbs up.

An ignorant version of such belles-lettrism is what supports the fury in the press against Paul de Man, deconstruction, Stanford University, and other enemies of the Great Books. People who don't know much about the Middle Ages,/Look at the pictures and turn the pages;/Don't know much about no rise and fall;/Don't know much about anything at all may be found courageously defending the canon against the enemies of Western civilization. On a higher level than reporters for *The New York Times*, Posner's book participates in the reactionary fury.

You can spot a belles-lettristic critic by his evaluative adjectives. Posner seldom mentions a piece of literature without feeling called on to assess it as "immensely distinguished," "classic," "best," "great," or "greater." He awards Jane Austen, for example, the title of "distinguished moralist," as though she too served on the appellate bench. He is fixated on the issue of establishing the canon, reading Eliot or Hemingway mainly for the purpose of granting or withholding "the status of classic writers," as he puts it. Posner says in his footnotes that he has read Frye, Fish, Booth, Bloom, de Man, and other critics who show how literature works rather than saying over and over which of it belongs on the reading list. But he has not taken their point. It has been said that to offer gratuitous opinion is to assume that the demand for it is brisk. Posner makes an economic error in overestimating the demand for his literary gradings.

It is interesting to note that in these three writers the belles-lettristic talk of "greatness" in literature decreases in proportion to how believable the writer is as a judge of literature, at least by Posner's standards of distinction. Fish is a full-time literary critic (Posner would call him "immensely distinguished") who has done work many admire on Milton. He offers few opinions of greatness. White has long taught courses in the English department, and has taught literature by English-department methods to law students, but unlike Fish would not pretend himself to be a major critic of literature as such. He notes that "it is now thought to be old-fashioned . . . to ask whether a novel or poem is great, or greater than

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some other" (White 98), but he nonetheless itches to make weighty judgments, and from time to time scratches where it itches. Posner is an impressively omnivorous reader (or perhaps I am being fooled again by the footnoting style of the legal profession) but has no professional credentials as a critic. Yet he is the most judgmental of the lot. A sense of an ending is reached in a Posnerian criticism at the star-giving ceremony. As I say, going further down the line one would encounter the deep literary minds at *Newsweek*, issuing grades weekly for the GPA of public opinion.

Beyond grading literature, Posner is anxious to know what it is "about," in a sense that could come from Cliffs Notes as easily as from the work itself: the *Iliad* and *Hamlet* are about "youthful idealism [that] becomes tempered with realism through a series of crises" (Posner 81). What literature is "about" is to be found, says Posner, in the plot and characterization, as though they were some sort of puzzle. Two pages summarize *Pudd'nhead Wilson*, followed by a discussion of what it is "about." Another two pages summarize the plot of the *The Merchant of Venice*, finding "the key" to Shakespeare's "greatness" (Posner 98) in his "brilliant plots," which will surprise most readers of *Hamlet* or for that matter of the *The Merchant of Venice*. After Posner's plot summaries and theme summaries come character summaries, again in Cliffs Notes style. It is all most distressing, for hundreds of pages of useless fluency. How could anyone, the vexed readers ask, cast his eye over so much literature and criticism and yet misunderstand it so completely?

Here is an example of Posner's touch in literary matters: "If I am reading Antonio aright, the providential appearance of Portia casts a remarkable light on Shakespeare's own values" (Posner 95). Note the literary turn in the choice of "aright" (reading literature increases your Word Power), the nice passion in "remarkable," the use of novel metaphor in "casts a light," and the fine literary use of "reading," literature being a secret code whose purpose is to give us a fun time digging out the author's "values." These values, well worth the price, are cleverly hidden in symbols, such as Portia as "the spirit of equity." Literature is like *Where's Waldo*? The upshot is the immensely distinguished insight, "Apparently Shakespeare was not the kind of Christian who thinks it is possible to manage society by using the Sermon on the Mount as one's blueprint of social engineering (not that the Sermon on the Mount was intended to be used for that purpose)" (Posner 98). There's the subtlety that comes from long study. Shakespeare, it turns out, was attacking late twentieth-century social progressives and American Catholic bishops, with their silly notions that the economy is a matter of morality (and in a two-for-one sale we get some fine biblical criticism from Posner, too). Shakespeare is made into a bourgeois conservative. There's a use for literature.

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The book consists of such exercises in barbarity. The plot summary of *Antigone* concludes "we are made to understand that Creon has acted with dreadful impiety and must be terribly punished" (Posner 111). "We are made to understand" a moral, summarizing The Point of the Play (note the pieties of "dreadful impiety" and "terribly punished," thrilling to write). The phrase "we are made to understand" conveys Posner's theory of literature, namely, that writers make us understand this or that quasi-scientific finding by indirection. Posner views literature as a method of conveying encoded messages, directing the reader to conclusions easily summarized: don't be backward (*Pudd'nhead Wilson*); don't be bourgeois (*L'Étranger*; you can imagine what he thinks of that one).

Posner's idea of what law can learn from literature is not a way of life or the ethics of persuasion, but "findings" of a scientific character about, say, human nature or legal procedure. The premise of the exercise is that the literature relevant to the law would be the literature that is *about* the law (the arithmetic relevant to the law, then, would be word problems *about* evidence and tort). One is not startled therefore at his argument against reading *L'Étranger* for legal purposes, delivered without irony (irony is not Posner's strong suit): "If one wanted to make a comparative evaluation of American and French criminal procedure, one would not do so on the basis of novelistic descriptions; one would study actual trials" (Posner 88).

So it goes. He argues at length, for example, that law is a common theme in literature because the literature that survives a test of time will deal with universals, and law is a universal, at least within Western civilization. After all, "few people are willing or able to immerse themselves in an alien or forgotten culture" (Posner 75).

Posner's chief literary vulgarity is what may be called the Roto Rooter theory of communication. People communicate, the theory says, through pipes between minds. I send over to you a little pellet of meaning, fully formed in my head before transmission and, we hope, unchanged when you receive it. If not, we have "a communication problem." Call up the Roto Rooter people to ream out the pipe. Then "clear" communication will be restored.

Repeatedly Posner begins to talk like he understands what is wrong with the Roto Rooter theory. "It . . . is too obvious by now that a work of literature is doing something more than conveying to the reader a paraphrasable meaning conceived in the author's mind" (Posner 214). Enlightenment dawns. But then the mind grows slack, and literature becomes again a collection of sententia, pleasant nuggets of wisdom about love or war or, bless us, both, to be transmitted as information from one mind to another like a telephone number: "For most critics, however, that some-

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thing more is a depiction of or commentary on some aspect of reality, such as love or war" (*ibid*). Posner has a mimetic and sentential theory of literature that would startle "most critics" after Aristotle.

What is more important than the many amateurisms of the book (after all, who among us does not make that mistake, if not perhaps at such self-confident length?) is its moral failure. Posner's work is rhetorically flawed, exhibiting a gap between speech and intentions. He says repeatedly that he wishes to see the joint study of law and literature flourish. But it is apparent from the first page that in fact he wishes it to die. He does everything in his power to kill it, in order that his kind of social engineering may flourish in its stead.

A good example of Posner's rhetorical technique is his discussion of the schools of criticism. The trick is crudely obvious: identify criticism with deconstruction, as in the title of the first section (Posner 211), "Deconstruction and Other Schools of Criticism." Deconstruction, which by chance is the most frightening version of literary criticism that could be brought before conservative readers, is "least well understood by lawyers, and . . . is therefore an appropriate starting point. . . ." (*ibid.*). Ho, ho. Posner pretends to be fair to the positions he is attacking, but only the innocent will be taken in by his rhetoric. One wonders if his legal opinions have the same transparently rigged quality.

It is plain as a pikestaff that Posner wants his reader to think that all literary thinking beyond belles-lettrism is unintelligible nonsense from Paris. One can sympathize with his distaste for French opacity. But why then train one's gaze on it? Stanley Fish (who according to Posner is a close substitute for the Parisians) is utterly lucid. What he is utterly lucid about is that law and literature both require interpretation, and that interpretation takes place within communities. (The Parisians say this, too.) Posner quotes *Burnt Norton* most appropriately: "Words strain, / Crack and sometimes break, under the burden, / Under the tension, slip, slide, perish,/ Decay with imprecision, will not stay in place,/ Will not stay still. . . ." But again he can't quite get to the finish line. He concludes that "The relevance of all this for law is obscure" (Posner 215). An appellate judge who does not see the relevance of "Words strain . . . will not stay in place" is a worry.

As I said at the outset, the key to all this is the dichotomy of Science and Literature. Posner is determined to keep up the wall of demarcation, with snorts of "the relevance of all this for law is obscure." One is reminded of how Michael Polanyi described the outcome of Europe's three-century long embrace of skepticism, as an "inversion." Each philosopher since Descartes has worked "with the whole force of his homeless moral passions within a purely materialistic framework of purposes."[2] Posner's homeless moral passions work within a purely materialistic framework.

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Literature is great fun, to be sure, amusement for an idle hour, but no home for moral passions.

I turn with relief to Fish. But there is not much to say. He is lucid because, as the Preface announces, he has only one thing on his mind: "each chapter finally reduces to the argument in which the troubles and benefits of interpretive theory are made to disappear in the solvent of an enriched notion of practice" (Fish ix). Fish opposes formalism about language, of the sort Posner espouses and practices. "Theory has no consequences," says Fish over and over again.

What he means by this is that a mechanical account of language and its extensions, such as law and literature, is impossible. The British sociologist of science Harry Collins has written a book called *Artificial Experts: Social Knowledge and Intelligent Machines* which makes Fish's point another way.[3] "Expert systems" are the computer programs that doctors use to diagnose diseases and that chemists use to grow crystals. Do the systems think? Sure, when "thinking" means "imitating a machine." When it means "participating in a society," as Collins and Fish and I would prefer to say, then, no, systems and machines do not think. Collins enunciates a "sociological uncertainty principle": "When a system is completely understood, it is too late for practical purposes" (Collins 220). That is, mechanized understanding, useful as it is, is not the "situated particularity" of a skilled person.

This argument was made with great rigor by (the later) Wittgenstein, who argued that any attempt to understand reason, mathematics, language, law, etc. solely in terms of articulated, universal rules must break down as soon as one raises the question of the *application* of rules to particular instances. If the application of rules is itself governed by meta-rules then we are caught in an infinite regress, for logically the application of first-order rules must be governed by meta-meta-rules, and so forth. The only way out of the regress is to recognize the existence of a kind of intelligence that cannot be articulated in terms of rule-following, but instead involves insight into particular situations, a kind of insight that is cultivated through apprenticeship within a particular speech community or form of life.

The limit on calculability and sayability applies to language and rhetoric itself. If anyone could get what they wished by shouting, for example, then everyone would shout, as at a cocktail party, arriving by the end hoarse but without having gotten what they wished. H. P. Grice affixed an economic tag to the trumping of speech conventions: "exploitation." As the linguist Stephen Levinson put the point in his book *Pragmatics*,

> There is a fundamental way in which a full account of the communicative power of language can never be reduced to a set of conventions for the use

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> of language. The reason is that wherever some convention or expectation about the use of language arises, there will also therewith arise the possibility of the non-conventional exploitation of that convention or expectation. It follows that a purely conventional or rule-based account of natural language usage can never be complete.[4]

To put it economically, if anyone was so smart as to have a formula for language they would be rich. Or to put it as Michael Polanyi did, skill depends on a "tacit dimension." There is nothing humanistic or airy-fairy about the argument, which arises naturally out of the least humanistic parts of economics, linguistics, sociology, artificial intelligence, analytic philosophy, and the philosophy of science.[5]

So Fish argues that practices are everything. Rules are merely aids to memory embedded in a practice, not transcendental Truths. This is how one learns economics or crystal-making or judging: "The new judge would soon find that she was unable to read the rules without having a working knowledge of the practices" (Fish 123), and later, "Of course, there will eventually come a time when the novice player (like the novice judge) will no longer have to ask questions; but it will not be because the rules have finally been made sufficiently explicit to cover all cases, but because explicitness will have been rendered unnecessary by a kind of knowledge that informs rules rather than follows from them" (Fish 124). Fish has not read Collins or Polanyi (though he cites Kuhn who mentions Polanyi), but he might as well have.

I do not know if Kenneth H. Ashworth, Commissioner of the Texas Higher Education Coordinating Board has read Collins or Polanyi, but like Fish he sounds like he has. According to him, the critics of university administrators these days

> want to know where they can find the formal and written plans, the operating manual . . . the controls that will prevent you from doing anything wrong (or right). . . . It is easy to see why auditors have been called "those who come on the field after the battle and execute the wounded." . . . Is neatness what really counts? Baloney! Judgment counts, creativity counts, experience counts, courage counts, integrity counts, fairness counts, sensitivity counts, and intuition counts.[6]

Interpretation frightens people. People want rules, procedures, mechanized thinking, anything but judgment and the tacit dimension. Without artificial languages and carefully filled-in forms they think we stand at the abyss.

Like many of us, Fish is amazed by this fear, because he sees ordinary practice keeping us rooted enough for practical purposes. The fear is that interpretation is a license to say anything that comes into one's head

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(Posner wants to reduce interpretation to a determinate puzzle on just these grounds). In confronting such fears in the law professor Owen Fiss, for example, Fish writes, "for [Fiss's] system to work there must be at least some texts—that is, disciplining rules—that have only one meaning. . . . We have seen . . . that (1) there are no such texts, and (2) the fact that there are no such texts is not fatal to the goal of principled interpretive behavior" (Fish 128). The reason it is not is that in practice a text always has a determinate meaning socially and contextually—but only socially and contextually, not in itself. As Fish puts it, texts do not "have" or "not have" single interpretations. Interpretations come from the interaction between text and reader, not from the text alone.

One obstacle to grasping the point is the dichotomy of objective and subjective, popular for a couple of centuries now (since Kant most explicitly, but also since Descartes, and in English, says *The Oxford English Dictionary*, since Coleridge brought Kant to England). The logical empiricist who does not understand interpretation will start shouting that then we would have no "standards," by which she means God's objectivity. Her irrationalist double, on the other hand, welcomes the putative lack of standards, being a devotee of the subjective and the touchie-feelie. Both of these people by a happy chance live in Santa Monica, one working for the Rand Corporation and the other for the Santa Monica City Council.[7]

Both miss the point, in the same way. They are slaves to a solipsistic theory of knowledge, in which the lone person is the test of truth. The solipsism is most characteristic of Descartes, but apparent everywhere in Plato, too, from the *Meno's* slave boy proving mathematical theorems to Plato's uniform contempt for persuasion. After 2,500 years of trying we might as well acknowledge that we cannot find a way to the Objective, the viewpoint of God. Nor is there a solipsistic way of proving that you are not a figment of my imagination. Nor again can we make use of the Subjective: after all, I cannot see into your mind, either.

The alternative to the pointless quarrels between the objective and the subjective is, to coin a term, the conjective. The conjective is what we know together, in society, by virtue of common speech. It is all we can argue about. We have a history together or apart, and this is what makes interpretation possible. If we want to prevent people from being nihilists or authoritarians we should argue against their particular interpretations, not against their theories. "Rational debate," writes Fish, "is always possible; not, however, because it is anchored in a reality outside it, but because it occurs in a history, a history in the course of which realities and anchors [Fish might better have put quotes around the words "realities" and "anchors"] have been established, although it is always possible, and indeed inevitable, that they will have to be established again" (Fish 196).

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One would think that legal scholars would have no trouble with such an idea. That law is socially constructed, one would think, is uncontroversial. No one denies that a lot of legal interpretation takes place routinely, as do other speech acts. If there were no interpretation of law in precisely the sense that there is interpretation of literature then we would not need lawyers, judges, and professors of law.

Of course it is possible to misuse theories of interpretation and of the social construction of truth, as it is possible to misuse arithmetic. As Fish observes while attacking the irrationalist half of the rationalist/irrationalist dance team in law, in the usage of some members of the Critical Legal Studies movement "all of a sudden 'constructed' means 'fabricated' or 'made up'" (Fish 227). The protections for truth, says Fish, lie not in rules or methods but in professions and communities, by which he means morality. The law is conjective. The choice is not "civilization and order versus the anarchy of the individual will," the objective versus the subjective, as Posner and other conservatives would like us to believe. The third thing, the conjective, is what we know together and can in fact argue about to a conclusion. We do so every day, in courts of law and in kitchen councils and in other communities.

The old joke is that the guru (in the person of William James) finally has to explain to his disciple that the world is supported on elephants, and "it's elephants all the way down." Likewise, law is rhetoric all the way down. This is the ancient way of speaking, "rhetoric" being not mere advertising fluff (which was Plato's damning contribution to the debate), but as Aristotle said, "the faculty of discovering the possible means of persuasion."[8] The means of persuasion can include logic and fact as much as metaphor and story. Rhetoric can be misused, of course, but as Aristotle then pointed out: "If it is argued that one who makes an unfair use of such faculty of speech may do a great deal of harm, this objection applies equally to all good things except virtue [*aretes*], and most to those things most useful."[9]

We can protect ourselves, said Cato the Elder (according to Quintilian), by raising up *vir [mulierque]* bonus *dicendi peritus*, the *good* man [and woman] skilled in speaking.[10] The protection from evil in science and other human affairs is not theory, whether philosophical or rhetorical, but education and ethics, matters of practice. The skilled physicist can lie about the experiment if he is a bad man, no matter what method he claims. In the uproar about "cold fusion" the bad young men of physics, coasties all, were willing to use any device of rhetoric to punish Pons and Fleischman, who had the double disability of being chemists and being from Utah. Replication was the least of the physicists' weapons (admittedly, the principals had made it difficult, though difficulty of replication is more usual at

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the scientific frontier than the critics averred). One physicist from Cal Tech said cleverly that he would believe the replications when they came from a university without a good football team. Another young physicist, from Yale, and himself given ready access to the columns of *The New York Times*, complained about the University of Utah's unscientific access to the media. *Vir malus dicendi peritus.*

The sociology and history of science have shown that methods are not mechanical, for all that Bacon wanted them to be so and for all that later scientists have claimed them to be so in pursuit of persuasion. Take the supreme good of method, controlled experiment. The choice of the experiment, its operation, its interpretation, and its use all depend on human contexts of argument.[11] The human contexts, happily or not, can be tilted. In fact there is no way to untilt them. Better to be aware that argument is going on than to pretend that theory can protect us from evil as though by machine.

If a scientist or a scholar or a judge is not good in a wider sense—not merely *peritus* but *bonus*—only by accident will good method lead to good results. On judicial or authorial intent Fish notes: "One cannot understand an utterance without *at the same time* hearing or reading it as the utterance of someone with more or less specific concerns, interests, and desires, someone with an intention" (Fish 100). Here Fish is using the philosopher J. L. Austin's notion of "speech acts," namely, the things we do with language. Speech-act theory is another of the many modern rediscoveries of rhetoric, speech with intentions. An intention is not good merely because it is expressed in the right form, no more than a prayer is efficacious merely because it follows the right rules.[12] Says Fish, "Rules *are* texts. They are in need of interpretation" (Fish 121).

White is the more profound on the present subject—unsurprisingly, for it his central concern, being merely tangential to Posner (mainly concerned with law and economics) and Fish (mainly concerned with literature). White could have been speaking of Posner and Fish when he wrote: "I want to put aside both the 'findings' conception of interdisciplinary work—which here mainly consists of using literature to establish truths about the inhumanity of law [Posner with a minus sign]— and the 'technological' conception—which here mainly consists of using the terminology developed in the current critical theory debates to carry on preexisting arguments about the way legal texts should be interpreted" (White 16–17). Posner and Fish are using the trope of law as literature as a weapon in other battles, Posner against the economics-spurning left and Fish against the theory-spurning right. White concerns himself with the matter of law as literature itself.

He is good on the interdisciplinarity of law and literature, to which Fish

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is indifferent and Posner deaf, and he complains of the ways we talk about it: the "findings" of one "field" should, it is often said, be "made available" to another, "as though history or economics or philosophy, say, should pass a plate with the truth on it over to the law" (Fish 13). His alternative is "composition," that is, using two different things to make a third. He wants to use literature and law, changing both by their conversation and making thereby a third thing.

Translation, says White, is the better image than passing the plate of findings. A trade language that is no one's native language is called a "pidgin." If it then becomes a mother tongue, taught to children from infancy, it is called a "creole." The philosopher and historian of science Peter Galison has recently talked about "pidgins" that develop between disciplines. White's main point is that we have separate communities of lawyers and economists or of lawyers and litterateurs, and that putting together the speech of the two will create a third language, a pidgin. In time it may develop into a creole. The linguistic metaphor is better than that of "connecting fields," the metaphor that would occur most naturally to Posner, who lies in the grip of the Roto Rooter theory of communication.

White attacks the very concept of a concept, things behind words, transmitted *à la* Roto Rooter. What he objects to in the political (and other) philosophers is their fixation on concepts, alleged to sit behind words. He is objecting, in other words, to Platonism. His nightmare of conceptual talk is the talk of the worldly philosophers, the economists, with its "implicit imperialism, its erasure of other ways of talking" (White 40). And later: "Literary texts are therefore not propositional [Posner, take note], but experiential and performative . . . not reducible to other terms . . . but expressing their meanings through their form" (White 42). Observe the affinities with Fish. In calling for a literary as against a philosophical analysis, White says, "The modern philosopher's question is, 'What proposition are you advancing?' A better one would be, 'What text are you making?'" (White 39). As he and Fish affirm, texts like the United States Constitution make communities and the communities make the text. That's a good reason for taking law and literature seriously.

White worries that our modernist talk has stripped meaning away from the translation and retranslation of texts. The speech act of making cultures is silenced by method and theory. He calls for "the end of all attempts to treat political or cultural questions as if they were language free" (White 44). In his interesting ruminations on translation towards the end of the book (yet be warned that I find any ruminations on translation interesting) he notes that "there is no position outside of culture from which the original can be experienced or described" (White 252). He calls justice

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translation, but denies that the world can be translated directly into a universally translatable language. On the contrary, translation is "an art of assertion within acknowledged limits" (White 45).

And so to the Supreme Court of the United States. Judicial opinion is "a form of life," recommended for wider use. The justices' opinions enact a "conversation in which democracy begins," as Dewey put it. In Chapters 4 through 10 White gives a rhetorical analysis of certain important cases in American law. These are skillfully done, so far as a legal ignoramus like me can judge, and make the point repeatedly that the justices had to make audiences for their language, earning anew the right to judge. White's question is rhetorical: who is the implied reader of judicial opinions? That is to say, what kind of community do they create with their words? White is fearful that the totalizing conversations of economics or political philosophy will destroy democracy, by making words lose their meaning, losing their power to make communities.

White has two obsessions, American law and Greek literature. He brings them together here, as he has before, making them serve a common purpose. Fish and Posner, by contrast, seem clever monolinguists, Fish of literature, Posner of law. White is bilingual.

But not trilingual. His voice is unsure when he speaks of economics, often descending to the level of bumper stickers: People Not Profits. (True, many professional economists—for example, E. F. Schumacher, whom White admires—do not get much further.) White sneers at economic growth, "that is to say, the expansion of the exchange system by the conversion of what is outside it into its terms. It is a kind of steam shovel chewing away at the natural and social world" (White 71). This misunderstands exchange in the usual way, taking it to be a zero sum game. White cannot master his distaste for the vulgarity of economic growth, which ruins the streams for fly fishing albeit turning the water into (doubtless most vulgar) goods for the poor. I am sorry to report that he misunderstands economics to almost the same degree that Posner misunderstands literature.

White objects against economics that it does not describe features of reality that he, as a non-economist, is, remarkably, able to see plain before his eyes. He views economics as imperial, uninterested in translation—which admittedly does describe the economists and economist wannabes he knows best, his former colleagues in law at Chicago. "The radical intellectual vice of our day is to insist that everything can be translated into one's own terms. This is the vice of economics, which has no way of seeing itself as one language among many, and of much modern philosophy, too" (White 259).

I must convey what is right and wrong in this remark. I believe it to be

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right about modern philosophy, which has shown repeatedly that it cannot deal with all the reasons for loving wisdom. I admit that modern economics on its face looks monolingual, too, but I know it is not—which in turn gives me pause in believing the charge against philosophy.

I am in a better position than White to decide. With respect to economics he is like someone who does not know Greek criticizing a translation of the *Iliad*. All the lawyers I have read attacking the law and economics movement have this problem. It comes out in their tendency to attack the economics on its own grounds, where the economics is strongest. They attack welfare economics or the assumptions of maximization, and their attacks never rise above the amateurish. The lawyers would do better to exploit their comparative advantage.

The lawyers who love economics, by the way, have the same problem, of not knowing quite what they are talking about when they commend economics to the world. They were socialized elsewhere. Posner, for example, knows nothing of the empirical side of economics and therefore has never been humbled by the data. (This remark takes nothing away from his astonishing command of the parts of economics he does know; and it applies with equal force to many partially educated economists.) Quite naturally, Posner supposes that his friends in economics have taken care of all that. George Stigler told him so, daily. Both the enemies and the friends of law in economics take a naïve view, naturally.

Economics from this naïve perspective looks fiercely monolingual, but I say it is perfectly capable of a cordial bilinguality. White says that we achieve justice as translation "if we can learn to be conscious at once . . . of the languages we use and the intentions we wish to realize through them" (White 260). I call this self-consciousness "rhetorical," and believe economics can achieve it. Many economists have. In fact I would claim that many economists, whether or not they are entirely self-conscious about it, have a mature appreciation of their language and their intentions—I would instance Milton Friedman and Robert Solow, James Buchanan and Kenneth Arrow. Perhaps White needs to widen his circle of acquaintances among economists.

Where White is persuasive is where he is lawyerish. He is making a point about how communities of language are eroded by bad talk. One worries, of course, that the community he means is what most American left liberals mean, 250 million Americans presided over by our good friends in Washington. The left-liberal "community" is both less and more inclusive than it should be: less because it recommends economic nationalism; more because the communities in which most of us live are smaller by orders of magnitude.

And yet there is something in it. White's main purpose is to make a non-

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economic point—namely, that a world in which the rhetoric of law and economics or of law and philosophy is given full rein is not one in which people could actually live, because community would be ruthlessly undermined by self-interest on the one hand or the transcendental on the other. This is not a point that would occur to most economists or political philosophers (or, judging from the reception of economics and philosophy into modern jurisprudence, to many lawyers). White pushes it with full force, through his readings of Thucydides and Holmes, Robert Frost and Whizzer White.

So a rhetorical description of the law leads to a recommendation for better speech communities. My one objection is that White, and Fish as well, are too modest in one direction, the Scientific. Their case is stronger than they think. The legal and literary style of reasoning is already how scientists argue. The official descriptions and surface rhetoric of science obscure the fact, but fact it is. Science already exhibits the constitutive talk White and Fish admire.

White, like most people arguing this way (such as Jürgen Habermas), separates literature from science. That's the mistake. "As human beings," he says, "we live on artistic and rhetorical, not scientific, terms" (White 265). Then on the page following he makes the usual move, accepting the positivist notion that science consists of propositions. But the positivistic description of science is quite false. It is a premise in all three of these books that Literature and Science are distinct. They all three fail to see the rhetoric in science itself.

The result is that they fail to see the unity of the culture. In the blurb on White's book another legal scholar whom I admire, G. Edward White, speaking of James Boyd White's *The Legal Imagination* (1973, 1985), says that it "persuades one that legal writing, and indeed the 'law,' is not a science but an art." Science versus art. Oy vey.

The segregation of science runs against the declared theme in James Boyd White's book, "to integrate . . . aspects of our minds and beings that we normally separate" (White 3). He wants to integrate law and literature, enough of a stretch one might think. But he and Fish should translate the culture, do what comes naturally, and recognize the rhetoric of science and mathematics.

Why would I say such a provoking thing? All right, literature has something to contribute to law. But surely there is a separate thing called Science, with its well-known Scientific Method, involving numbers and lab-coats and so forth, isn't there? To speak of a "rhetoric of science" is surely oxymoronic, or maybe just moronic. "Rhetoric of law," maybe. But Science goes beyond mere rhetoric, doesn't it?

No, no: wrong again after all these minutes. Posner adopts a narrow

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definition of rhetoric, consistent with his view that literature is mere ornament (Posner 271). The reason not to do so is that we need a word for "wordcraft." Rhetoric has been it since the fifth century B.C. You may ask indignantly, Why do we need such a word? (We do not get it if we waste "rhetoric" in the already crowded territory in English of adornment, affectation, balderdash, blather, bluff, bombast, bunk, charlatanry, deceitfulness, frills, floridity, flourishes, floweriness, fraud, grandiloquence, hoax, hot air, humbug, insincerity, lying, mendacity, misrepresentation, ornament, ornateness, ostentation, pretension, quackery, rant, sham, and weasel-words). We need a comprehensive word because we need one that does not have room for a distinction between mere persuasion and actual demonstration. Under the wide definition as wordcraft (Aristotle's definition as against Plato's) first-order predicate logic or controlled experiments are "rhetoric," too.

Splutter, splutter. Why not such a distinction? Answer: If we do not have such a word, then someone will always try to claim the higher ground, and always falsely. It has been like that since Plato. His argument, he will claim, is demonstrative, as opposed to the "mere" rhetoric of his opponents, mere sophists. The philosopher is thus freed of having to give an account of why. It's Plato's Trope. I hold in my hand a proof, such as they have in mathematics—not the wretched opinions they trade in the courts of law—that kings should be philosophers and philosophers kings.[13] "Don't you know that first-order predicate logic is enough to build a world upon?" the Platonist will ask in 1920. Or, "Don't you know that market capitalism is optimal, according to this blackboard proof?" Or, "Don't you know that capitalism labors under contradictions?" These all have been presented as demonstrative, because existing on a higher plane than mere persuasion. But in each case the so-called demonstration has been accompanied by the indignant, sneering, "merely" rhetorical dismissal of rival positions as unworthy of being discussed. Witness for instance the positivists' dismissal of metaphysics, or the analysts' dismissal of "Continental obscurantism," or the Marxist dismissals of bourgeois ideology—or the biochemist's dismissal of his opponent's understanding of oxidative phosphorylation and the problem of stoichiometry.[14]

You will say: scientific and philosophical argument of the demonstrative sort is nothing but such an account of its own argument. Wrong yet again. Consider the philosophers arguing. The cost of the philosophers' contempt for rhetoric has been a naïveté about how they as philosophers argue. Simon Blackburn (editor of *Mind*) gave a speech at the University of Iowa a couple of years ago on the necessity of philosophy. He used the ancient *topos*, familiar from Plato, that one is committed anyway to philosophizing, whether one knows it or not. It's the usual argument for a

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philosophical education. Quite a good one, actually. In the question period I tried to get him to see that the same *topos* applied to his own talk, that is, that we are committed to rhetorizing, whether we know it or not, since we all argue. I tried to get him to admit, therefore, that rhetoric was as inclusive a discipline as philosophy, since both were necessary for each other. He couldn't understand, and could only repeat the usual Platonic calumnies against free speech, so thick was his philosophical carapace against rhetoric. (It is a rare philosopher, I have determined by scientific sampling, who has read as much as Aristotle's *Rhetoric* on the subject; the philosophers take their "knowledge" of rhetoric from Plato neat.)

Philosophical and scientific argument have rhetorics, too, but largely unexamined and therefore unchallenged. Plato, though inventing a realm without rhetoric, is of course the leading case, as for instance in his wild leaps to mythmaking-as-argument in the *Phaedrus*. Cicero joked that Plato was the craftiest rhetorician when disdaining rhetoric. To expose the rhetoric in science and philosophy, capable of great mischief, we need to recognize that arguing, after all, is what is going on.

In other words, if we break argument into rhetoric and dialectic (here even solider Aristotle erred), the dialectic immediately takes a superior position. The move is assured by the long and nutty human fascination with certitude, ever since the Pythagoreans showed by sheer force of reason that not all numbers are rational. The actual human argument of law courts is downgraded to "mere" persuasion or teaching or something else without the dignity of Truth Saying. The actual human argument of scientific laboratories and blackboards is elevated to Scientific Method, beyond rhetorical scrutiny. Philosophers and scientists, believing themselves in possession of certitude, are encouraged to sneer. They do not need such encouragement.

But, you may retort, why settle for mere persuasion? Why not go for Truth? Well, good luck. Truth with a capital T is that God's-eye view that we intellectuals lost sometime around 1859. The other, workaday truth with a small t is of course essential for life outside a lunatic asylum. But if you have found a way of distinguishing truth from falsehood more fancy than looking at the arguments and assessing how good they are, with whatever standards of argument we can think of in the conversation as it stands, please tell me, urgently, by express mail. If thou find'st one, let me know;/ Such a pilgrimage were sweet./ Yet do not; I would not go,/ Though at next door we might meet./ Though it were True when you met it/ And last till you place bet on't,/ Still it/ Counterfeit/ Truth, concealing there the hypocrite.

We must stop people like Posner and Plato from making off with the word "truth," relabeling it Truth, handing it to experts, and leaving out

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most of the arguments that serious people use. Splitting Art from Science, Literature from Law, is part of the game. It is better to exhibit science as rhetoric all the way down. The rhetoric returns to a serious discussion of how we decide. It need not throw away a single finding of good science and is therefore not the program to soften up our minds and become more "artistic." On the contrary: it is harder, not easier, to look seriously into how arguments are actually made, as lawyers know.

Good rhetoric is what a free community lives by, in law or science or politics. The authoritarians since Plato have sneered at it, arguing that without authoritative and quasi-theistic foundations we are left with Anything Goes, which is their description of democracy. It is no minor detail in the long history of anti-rhetorical rhetoric that Plato banished poets from his totalitarian community. Remember that he banished lawyers, too.

NOTES

1. Northrop Frye, *Anatomy of Criticism: Four Essays* (New York: Atheneum, 1967), 27, 25.
2. Michael Polanyi, *The Logic of Liberty* (Chicago: University of Chicago Press, 1951), 106.
3. Harry Collins, *Artificial Experts: Social Knowledge and Intelligent Machines* (Cambridge, Mass.: M.I.T. Press, 1990).
4. Stephen Levinson, *Pragmatics* (Cambridge: Cambridge University Press, 1983), 112.
5. The philosopher John Searle says similar things about computation and thought in his "Chinese Room" example.
6. Kenneth H. Ashworth, "Academic Management Isn't the Fun It Used to Be," *Chronicle of Higher Education*, April 24, 1991: A48.
7. I am told that the Ayn Rand Institute is also there. I can hardly believe my luck.
8. *The Rhetoric*, trans. J. H. Freese (Cambridge, Mass.: Harvard University Press, 1926), I. II. 1. See John Nelson, Allan Megill, and D.N. McCloskey, eds., *The Rhetoric of the Human Sciences: Language and Argument in Scholarship and Public Affairs* (Madison: University of Wisconsin Press, 1987), Charles Bazerman, *Shaping Written Knowledge: The Genre and the Activity of the Experimental Article in Science* (Madison: University of Wisconsin Press, 1988), and other books in the Series on the Rhetoric of the Human Sciences.
9. Aristotle, *Rhet.* I.I. 14.
10. Quintilian, *Institutio Oratoria*, trans. H. E. Butler (Cambridge: Harvard University Press, 1922), XII, i, 1; cf. I, Pr. 9.
11. See Bruno Latour and Stephen Woolgar, *Laboratory Life: The Social Construction of Scientific Knowledge* (London: Sage, 1979); Barry Barnes and

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David Edge, eds., *Science in Context: Readings in the Sociology of Science* (Cambridge, Mass.: M.I.T. Press, 1982); Steven Shapin and Simon Schaffer, *Leviathan and the Air Pump: Hobbes, Boyle, and the Experimental Life* (Princeton: Princeton University Press, 1985); Harry M. Collins, *Changing Order: Replication and Induction in Scientific Practice* (London: Sage, 1985); Michael Mulkay, *The World and the Word: Explorations in the Form of Sociological Analysis* (London: Allen and Unwin, 1985); Peter Galison, *How Experiments End* (Chicago: University of Chicago Press, 1987); Trevor J. Pinch, *Confronting Nature: The Sociology of Solar-Neutrino Detection* (Dordrecht: Reidel, 1986).

12. The best introduction I have seen to the significance of speech acts is Sandy Petrey, *Speech Acts and Literary Theory* (New York: Routledge, 1990).
13. Plato, *Gorgias*, trans. W. R. M. Lamb (Cambridge, Mass.: Harvard University Press, 1925), 471E: "you attempt to refute me in a rhetorical fashion, as they understand refuting the law courts. . . . But this sort of refutation is quite useless for getting at the truth." Compare 474B, 475B, 487E; and less directly 502E and 516E. And see, among many other places where Plato expresses his contempt for law courts and democratic assemblies as against Those Who Know, *Phaedrus*, trans. W. R. M. Lamb (Cambridge, Mass.: Harvard University Press 1914), 275C and 277E.
14. See the discussion in pp. 19–78 (ch. 1) of Mulkay, *The Word and the World.* Harry Collins has explored the rhetoric of the TEA-Laser and gravitational radiation, chs. 3 and 4 of his *Changing Order.*

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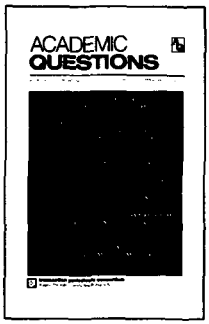

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David Roochnik

STANLEY FISH AND THE OLD QUARREL BETWEEN RHETORIC AND PHILOSOPHY

In Doing What Comes Naturally, *Stanley Fish argues on behalf of rhetoric and against philosophy. The latter assumes an independent reality that can be perceived without distortion and then reported in a transparent verbal medium. The former insists that this is impossible. As Fish acknowledges, this debate is a version of the "old quarrel" that has raged since the dialogues of Plato and the orations of the sophists. The present paper first examines how the Greek sophist Isocrates actually formulated the terms of the debate. Then it turns to Plato in order to demonstrate that his treatment of the old quarrel is superior to Fish's postmodern update.*

In this essay I will discuss one reason why it is tempting to agree with a remark made by a character who appears in a recent novel:

> But what if you were hurled into a time warp and came face to face with the Ancient Greeks. The Greeks invented trigonometry. They did autopsies and dissections. What could you tell an Ancient Greek that he couldn't say, 'Big Deal.'[1]

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Specifically, I will argue that a view such as that articulated by Stanley Fish in his book, *Doing What Comes Naturally* (Durham, N.C.: Duke University Press, 1989), reformulates one side of what Plato had already described as an "old quarrel."[2] I will explain why this quarrel retains great contemporary significance and, finally, argue that the ancient Greek treatment of it is superior to Fish's postmodern rendition.

Fish's work can easily be situated within the most prominent quarrel now taking place in the intellectual community. As we all know, today there is furious debate concerning the nature, the limits, the fate, of reason and rational inquiry. On one side, there are many who declare that "the bottom line," when it comes to finding the truth or rationally adjudicating questions of value—be it ethical or literary value—is that "there is no bottom line . . . that rational evaluation is an indeterminate process, that standards are historically contingent matters of convention, interpretation, or the imposition of power."[3]

The other side of the debate is typically described as "Platonic." The "Platonist," we are regularly informed, holds that there *are* rational standards immune to the vagaries of history, that men and women of knowledge have access to these standards, these Forms, which can function as stable anchors of our lives and various modes of discourse. Fish, following Richard Lanham, describes the proponent of this view as "the serious man" and says that he assumes "an independent reality whose outlines can be perceived by a sufficiently clear-eyed observer who can then represent them in a transparent verbal medium" (479). The serious goal of the serious man is to discover the "timeless and contextless workings of an abiding formalism" (318). This person, Rorty's "Platonist," is the sort Nietzsche calls a "theoretical man" and Derrida calls a "logocentrist."[4]

This paper has two principal goals: first, to examine the historical antecedents of this debate and to demonstrate that an "Ancient Greek" would indeed respond "big deal" when informed of the doings of today's academic sophists. My intention here is not merely to document a curious historical similarity. Instead, I am convinced that returning to the Greek origins of today's debate can illuminate the basic terms and structure of that debate. By returning to the Greeks, we will better see what is at issue and what is at stake.

To be more specific: I will argue that Stanley Fish reformulates the position of the Greek rhetorician Isocrates. The view Fish opposes, as stated above, is "Platonism," and so naturally is represented by Isocrates' contemporary, Plato. In other words, and as Fish to his credit knows well, the contemporary conflict continues one that has been going on at least since the "publication" of Plato's *Gorgias*, namely the battle between rhetoric and philosophy.

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My second goal is to argue that this debate cannot in principle be resolved. Fish, in a most helpful and lucid way, in fact argues for this same thesis.[5] He writes, for example, that "there is no prospect of ever reaching accord" (484) over the old quarrel. I will argue, however, that Fish does not understand the full implications of what he is saying. I will try to explain what I think these are. Furthermore, I will argue that it is none other than Plato himself who best understands the implications of the insolubility of the "old quarrel." If this is true, then it will follow that Plato is not a "Platonist" at all. In other words, he is not a partisan defending one extreme pole in the case of *Rhetoric v. Philosophy*. Instead, Plato's dialogues reflect a thorough understanding that the old quarrel is of the essence of philosophy itself. *Rhetoric v. Philosophy* is the constitutive, sustaining origin of philosophy, at least as Plato understands it. I hope to show that even given the repeated, perhaps inevitable, failures to resolve it, the "old quarrel" is a debate of immense philosophical significance that continually merits revisiting. Even if it proves irresolvable, reflecting on the consequences of this irresolvability will bear significant fruit.

Stanley Fish's View

Fish thinks this: reason can discover no foundations that underlie and serve as abiding standards to measure our various modes of evaluative discourse. There is no "standard or set of standards that operates independently of . . . institutional circumstances" (164). In the matter closest to Fish's heart, there is no possibility of a definitive interpretation of a *text*. To believe that a text "is available in an uninterpreted shape . . . a shape that determines which interpretations of it will be appropriate" (105), is a naïve or "positivist" assumption that, he thinks, can easily be "deconstructed." To "deconstruct" in this context means to expose the erroneous assumption that a text, or an idea, or a "thing," is "objective," is somehow independent of its historically contingent circumstances. In short, human experience is thoroughly hermeneutical. There are no constraints, no external strictures—certainly no "text itself"—that can in principle limit interpretation.

> There is no such thing as literal meaning, if by literal meaning one means a meaning that is perspicuous no matter what the context and no matter what is in the speaker's or hearer's mind, a meaning that because it is prior to interpretation can serve as a constraint on interpretation. (4)

> Whatever is invoked as a constraint on interpretation will turn out upon further examination to have been the product of interpretation. (512)

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Fish understands the primary consequence of this assertion: interpretations, be they of values, texts, or laws, are imposed by *force*, the force of either persuasion or some other means. He is not afraid to admit that, on his view, might does make right, i.e., "some interpretive perspective will always rule by virtue of having won out over its competitors" (10). Thus, about law (which for him is merely another example of a text), Fish writes:

> The force of the law is always and already indistinguishable from the forces it would oppose. Or to put the matter another way: *there is always a gun at your head.* Sometimes the gun is, in literal fact, a gun; sometimes it is a reason, an assertion whose weight is inseparable from some already assumed purpose; sometimes it is a desire. . . . Whatever it is, it will always be a form of coercion. . . . Not only is there always a gun at your head; *the gun at your head is your head.* . . . In the end we are always self-compelled, coerced by forces—beliefs, convictions, reasons, desires—from which we cannot move one inch away. (520)

Fish understands that language such as this can be disturbing. For example, what he calls "the foundationalist right" "worries that if people hearken to me and my kind they will be moved to divest themselves of all standards and restraints" (27). This will not happen, Fish assures us, for he is not abandoning standards, but only exposing the fact that standards are a matter of convention. Even if he is correct, there will still be values and a difference between good and bad interpretations, and between good and bad rulings in a courtroom. There will even be room for truth, for Fish believes that his view

> does not mean that a notion like 'truth' ceases to be operative, only that it will always have reference to a moment in the history of inquiry rather than to some God or material objectivity or invariant calculus that underwrites all our inquiries. (322)

In short, Fish strives for a position that both incorporates the basic tenet of relativism and affirms the need for standards and social order. So, for example, Fish would surely deconstruct the concept of natural law, but would not deny the efficacy and desirability of positive law. He believes that his "anti-foundationalism" does not lead to "unbridled subjectivity"; instead

> it is an argument for the situated subject, for the individual who is always constrained by the local or community standards and criteria of which his judgment is an extension. (323)

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Fish counsels calm acceptance of his deconstruction of foundationalism and of his stunning admission that force is the "bottom-line category of interpretive and deliberative activity" (10). The sting can be taken out of force "when force is understood not as 'pure' or 'mere' force . . . but as the urging . . . of some point of view, of some vision of the world complete with purposes, goals, standards, reasons" (12). Fish urges us to return to "practice," to do what we do naturally, which is to obey laws, follow customs, and go about our business with little worry about abstract theories, whose paradigm is mathematics and which ultimately cannot influence us anyway.[6] In sum, what Fish advocates is a view that is through and through rhetorical.

> What serious man fears—the invasion of the fortress of essence by the contingent, the protean, and the unpredictable—is what rhetorical man celebrates and incarnates. (483)

Fish is aware of several issues that emanate from the basic position I have sketched above.

1. He understands that the battle between his "anti-formalism" and "Platonism," between rhetorical and serious man, is not simply a problem in hermeneutics or literary criticism; it is a fundamental clash of worldviews, each of which contains "a picture of the self and of the decision-making process" (10). I think this is quite right. What is at stake in *Fish v. the Platonist* are two fundamental possibilities for thought. I will explain this point below.

2. Fish acknowledges that the anti-foundationalists are in control, or at least on the rise, in the contemporary academy:

> As I write, the fortunes of rhetorical man are on the upswing, as in discipline after discipline there is evidence of what has been called the interpretive turn, the realization . . . that the givens of any field of activity . . . are socially and politically constructed, are fashioned by man rather than delivered by God or Nature. (485)

In more partisan language, Fish asserts, "theory's day is dying . . . and, I think, not a moment too soon" (341).

3. Fish understands that the greatest obstacle to maintaining his position is the problem of self-reference. A critic might well ask whether Fish's denunciation of contextless theory itself constitutes a theory. Fish resolutely denies contradicting himself. His anti-foundationalist thesis, he claims, does not maintain that

> there are no foundations, but that whatever foundations there are (and there always are some) have been established by persuasion. . . . Anti-

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> foundationalism, then, is a thesis about how foundations emerge. . . . It says that foundations are local and temporal phenomena, and are always vulnerable to challenges from other localities and other times. This vulnerability extends, of course, to the antifoundationalist thesis itself and that is why its assertion does not involve a contradiction. (29–30)

I doubt that Fish's gambit works. Simply saying there is no problem does not make a problem go away. He *is* making a claim, he *does* have a thesis about the nature of foundations, and however vulnerable he admits it to be, he must account for his having made that claim. More on this shortly.

4. Most interesting for my purpose is that Fish understands that the debate between philosophy and rhetoric, between serious and rhetorical man, cannot be resolved:

> Which of these views of human nature [those of the serious or the rhetorical man] is the correct one? The question can only be answered from within one or the other, and the evidence of one party will be regarded by the other either as illusory or as grist for its own mill.
>
> And so it would go, with no prospect of ever reaching accord, an endless round of accusation and counteraccusation in which truth, honesty, and linguistic responsibility are claimed by everyone: 'from serious premises, all rhetorical language is suspect; from a rhetorical point of view, transparent language seems dishonest, false to the world.'[7]
>
> And so it has gone; the history of western thought could be written as the history of this quarrel. . . . I only wish to point out that the debate continues to this very day and that its terms are exactly those one finds in the dialogues of Plato and the orations of the sophists. (483–5)

There is much here that seems right. Today's debate is indeed a version of the old quarrel between rhetoric and philosophy. It cannot be resolved, as I will discuss below, for the debate cannot begin without allegiance *already* being declared to one side or the other. And, in an important sense this is indeed the central issue in Western thought. Of course, that is an assertion that requires a vast amount of documentation. Still, for reasons I will suggest, it is plausible.

For the moment, let us simply assume that Fish is correct in saying (1) that the old quarrel cannot be resolved, and (2) that it is the recurring dispute of Western thought. If so, there are (at least) three questions that Fish cannot answer. First, why does this quarrel continually reassert itself? If the antiformalism of rhetoric is as basic (as true) as Fish would have us believe, why have there always been those who argue for formalism? To put the point in different terms: why have thinkers continually debated

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the question, Are there foundations or not? This question itself is, after all, quite "serious," for it is one that asks about matters of fundamental significance. Why, if theory's day is dying, will such a serious debate continue, as Fish seems to predict it will? I don't think Fish can explain how the debate first gets started, and then why it keeps going and going.[8]

Second, if the history of Western thought can be written as the history of this debate, doesn't it follow that this debate itself is an abiding structure of human thought? Doesn't the debate itself constitute a kind of foundation, albeit an antinomical one, underlying all human inquiry? I think it does. I think Fish's arguments should commit him to this view as well. But if that is true, if Fish is implicitly committed to a noncontingent foundation underlying human discourse, then he no longer should side with the "rhetorical man" who adamantly denies the possibility of just such a foundation.

Third, if Fish thinks that the debate is irresolvable, then on the basis of what does he come down so enthusiastically on the side of "rhetorical man?" This is, of course, a version of the self-reference problem.

I will argue that along with their invention of trigonometry and their dissections, the "Ancient Greeks"—particularly Plato—dealt with these issues in a very compelling and illuminating manner. As a result, they remain worthy of study. Before discussing Plato, however, I will first turn to the Greek sophist, Isocrates.

Isocrates: Against the Sophists

In his *Against the Sophists* (probably written around 390 B.C.E.),[9] Isocrates discusses the nature of rhetoric's subject matter and his own conception of what it is he teaches. To begin, he criticizes those sophists who make exaggerated claims for themselves:

> I am amazed whenever I see these [sophists] setting themselves up as instructors of youth who fail to understand that they are applying the paradigm of a fixed (*tetagmene*) *techne* to a creative process. For who except them does not know that, on the one hand, the writing of letters is stable and remains unchanged, so that we continually and always use the same letters for the same purpose, while on the other hand, when it comes to speeches (*logoi*) the situation is exactly the opposite. (no. 12)

In this passage Isocrates is probably criticizing those sophists who had written "handbooks" of rhetorical instruction. These typically had the title *Rhetorike Techne*—"the art" (or 'skill' or 'craft' or 'knowledge' or even 'science')—of rhetoric, and were probably systematic, and often mechanical, compendia filled with terminological distinctions and definitions. Iso-

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crates uses the example of "correct spelling" ("orthography") to illustrate what he calls a "fixed *techne*," i.e., a rigorous and teachable form of knowledge that includes strict definitions and conceptual divisions of its subject matter, and that issues in hard and fast rules. The correct spelling of a word allows for no variation or interpretation, and therefore its teaching is a highly reliable process, which is a critical benchmark of a *techne*. Aristotle, too, singles out orthography—in his discussion of the concept of "deliberation":

> There is no room for deliberation about matters fully ascertained and completely formulated as sciences (*epistemai*), such as orthography, for we have no uncertainty as to how a word ought to be spelt.[10]

That orthography is paradigmatic of a fixed *techne* is due to the nature of its subject matter. The sounds of the human voice constitute a determinate entity, a continuum that can be grasped as a single epistemic unit. They form a complex whole that can be analyzed into parts—vowels, labials, palatals—which in turn can be symbolized by written marks and then recombined in accordance with strict rules to form meaningful units. It is for this reason that the success rate in orthography is so high.

For reasons that will become apparent below, let me offer a comparison between orthography and arithmetic. In an important sense, letters are like numbers. Both are epistemic units whose rules of combination can be mastered by a "fixed *techne*." Isocrates does not mention *arithmos* ("number" or "counting") in the passage under consideration, but he easily could have. For *arithmos* is an alternative model of a rigorous *techne*. As numerous ancient authors testify, *arithmos* is the very principle of determinacy and therefore of intelligibility itself. Since *techne* is the paradigm of sustained intelligibility, the relationship between it and *arithmos* was noted often.

Consider, for example, two fragments from the Pythagorean Philolaus: "For there will not even be an object of apprehension at all if everything is indeterminate" (B3). "And indeed all objects of apprehension have *arithmos*, for it is not possible for us to think of or apprehend anything without this" (B4).[11] Consider also Aeschylus' *Prometheus Bound*: when listing the various *technai* he has bestowed upon humanity, Prometheus grants *arithmos* a privileged place by describing it as "wisest of all" (505). Finally, Plato makes the most explicit comment when in the *Republic* he writes: "This lowly subject which comprehends the one and the two and the three—I mean in general arithmetic and calculation—isn't it the case that every *techne* . . . must have a share in them?" (522c).

The point is this: *arithmos*, the principle of determinacy, is constitutive of a *techne* because the subject matter of a *techne* must be something determinate. But rhetoric is not about something determinate. Instead, the orator

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must be able to respond appropriately to an indefinite and thoroughly contingent series of circumstances. As a result, Isocrates' subject matter stands in marked contrast to orthography. It is "creative" since the good speaker must invent novel responses to the many occasions and subjects he faces.

> This speaker seems to be the most skillful (*technikotatos*) who speaks in a way that is worthy of his subject, and is able to discover a unique way of approaching the subject. (no. 12)

The use of *technikotatos* here is striking, because it echoes the phrase *tetagmenen technen* used earlier in the first sentence of no. 12. Isocrates objects to those sophists (and perhaps to Plato)[12] who believe that their subject matter is analogous to the fixity of correct spelling and he clearly denies having such a *techne*. But he also thinks it is possible for someone to become (or at least to seem to become) "most skillful" in speaking.

Is this a contradiction? If not, it is either because being *technikotatos* does not require possessing a *techne*, or because Isocrates believes that his own subject is a *techne*, but is not "fixed." Isocrates is largely silent about what sort of knowledge he has in mind here. Therefore, all we can say (so far) is negative: teaching a student how to become "most skillful" in rhetoric is not a reliable process analogous to teaching someone to spell correctly.

Isocrates explains why his subject matter, *logoi* (public speeches, or perhaps public life [*praxis*] itself) is not fixed and stable. A good speech responds to the occasion and is novel. A good orator has some impact on the course of events, and the course of events is unpredictable. As a result, he must be sensitive and flexible enough to respond to the contingencies and particularities of the moment, and there are no hard and fast rules to explain how this is done. The question is, Can this capacity be taught, and if so, how?

After criticizing his competitors' teaching methods and their choice of an inappropriate paradigm with which to model their knowledge, Isocrates goes further to explain his own conception of rhetorical education. He admits that some men have become clever in speaking without formal training:

> For ability, on the one hand, in both speeches and all other activities, is found in those who have good natures and who have been trained by experience. On the other hand, education, on the one hand, makes such young men more skillful (*technikoterous*) and more resourceful in discovery, for it teaches them to take those things which they now chance upon in a haphazard fashion from a readier source. On the other hand, [education] cannot, on the one hand, make those who are inferior in nature good debaters, or makers of speeches; it can, on the other hand, lead them to self-

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> improvement and to a greater degree of intelligence on many matters. (nos. 14–15)

First, Isocrates admits that there are those who, on their own, are naturally inclined towards success in speech-making. With such an admission he seems to degrade the value of his own pedagogical prowess; he admits he is not always needed. This may seem self-defeating, especially in a work that is often thought to be a "prospectus" for his own school.[13] Indeed, Isocrates himself here presents what later would become a standard objection to rhetoric's claim to being a *techne*, that (in the words of Sextus Empiricus) "it is possible to make a speech quite successfully and well without having studied rhetoric. . . . Hence, rhetoric is not a *techne*."[14]

Immediately following such a disavowal, however, comes a strong, positive claim: rhetorical education does make students more "skillful."[15] More specifically, it can improve those who have good natures by systematically organizing what they intuitively and hence unreliably know. This would make Isocrates the teacher valuable indeed.

There is, however, another disavowal: even the best teacher cannot transform a student with a poor nature into a good debater or speech-maker. And then comes yet another antithetical response: with some education even such poor students can at least improve. Negation is followed by affirmation in an almost strophic/antistrophic fashion. What exact claim does Isocrates the teacher of rhetoric make?

Isocrates does grant that some portion of his educational program is "fixed" and "stable":

> For I state that, on the one hand, grasping the knowledge (*episteme*) of the forms (*ideai*) from which we articulate and compose all speeches is not terribly difficult . . . (no. 16)

It is not at all clear what "forms" means in this passage. Werner Jaeger suggests "basic forms of oratory," A. E. Taylor "Gorgianic figures," Harry Hubbel "commonplace arguments," and Joel Lidov "thought elements."[16] Fortunately, it is not necessary here to decide this issue. What is sufficient for our purpose is to note that Isocrates clearly asserts that some dimension of his curriculum is "fixed," and so is systematically, even mechanically teachable. Not surprisingly, however, he follows this assertion with a disavowal:

> On the other hand, to choose [from the forms] those which should be chosen for each subject and to arrange and order (*taxai*) them properly, and furthermore not to miss the occasion (*kairos*) but appropriately to adorn the whole speech with striking thoughts and to clothe it in flowing and melodi-

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> ous phrases—these things require much practice and are the work of a manly and intuitive mind. (nos. 16–17).

To summarize: on the one hand, it is not difficult to receive the fixed portion of knowledge Isocrates professes to teach. On the other hand, this portion includes only the "forms" of rhetoric, the fixed content of his teaching, whatever that might be. The ability to combine and "order" (*taxai*, related to *tetagmene*) the forms properly, i.e., to apply "creatively" what has been learned mechanically, is reserved only for the special student with a manly and intuitive mind, and for this there is no systematic, no technical, mode of instruction.

Isocrates' discussion of the nature of rhetoric is intrinsically ambiguous. He vacillates in an almost dizzying fashion when he confronts the question, Is rhetoric a *techne*?[17] But this is neither accidental nor, in a certain sense, is it a defect. Instead, it is an accurate reflection of the worldview of the rhetorician. Isocrates conceives of human political life and *logoi* as indeterminate and shot through with contingency. There are no hard and fast rules with which to master the life of praxis, for that life is a matter of the *kairos*, the "opportune moment." Indeed, *kairos* is the pivotal term in the entire discussion. Human life is finally a matter of contingent circumstance in which the agent is always situated and to which he must appropriately respond. There are no fixed ideals at which to aim, no fixed structures to govern political work. There are no Forms. Instead, all is flow and contingent happenstance.

But Isocrates is unwilling to abandon altogether his claim to a *techne*. This is because he is a teacher, and *techne* is the paradigm of knowledge that can be taught. Isocrates does have a subject to teach. But in expressing his views on his subject's teachability he invariably reverts to speaking antithetically. He repeatedly uses the Greek particles *men* ("on the one hand") and *de* ("on the other"). Is rhetoric a *techne*? On the one hand no, not if measured by the strictest paradigms of orthography and *arithmos*. But yes, there is a subject to teach and worth paying for. What is it? Rhetoric. But what is rhetoric? On the one hand, it is the "forms," i.e., the fixed portion of the curriculum. But, on the other hand, it is more than this. It is an acquired (or is it natural?) sensitivity to the moment, the ability to enter a public debate and know what to do next. It is an informal ability to hit upon what is appropriate. As a result, there are no guarantees that Isocratean education will succeed. Indeed, his is a school restricted only to the talented few who receive years of personal instruction in which the teacher becomes the "paradigm" (*paradeigma*: no. 18) that makes a lasting impression upon the student.

In short, the vacillating form of Isocrates' argument, which finds counterparts throughout the history of ancient rhetoric, mirrors its content.

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The content: political life is contingent happenstance. The form: an antithetical response to the question, Is rhetoric a *techne*? Rhetoric cannot justify itself. It can, however, exhibit itself. It is internally inconceivable that rhetoric should provide a rigorous and abstract defense of itself, for its basic tenet is that such defenses are impossible. It can, however, do its work effectively. And what work is this? Producing persuasive arguments, making appropriate choices of argumentative techniques, devising melodious phrases. I propose that in *Against the Sophists*, Isocrates does exactly this. He effectively makes a dual claim: first, that he has something to teach and for which he can charge a large fee—a *techne*; second, his curriculum cannot be measured against the standard of orthography. His success rate as a teacher is not high; he admits the role that chance and human nature play in his students' achievements. He cannot translate his curriculum into the form of a *tetagmene techne*. He thus distances himself from his sophistic colleagues; at the same time he competes for their customers.

Stanley Fish is quite Isocratean, a description I doubt he would mind.[18] He is an anti-formalist who avows allegiance to the *kairos*. He is a contemporary sophist selling his rhetorical wares for a very high price. On the one hand, he has no *techne* (which he calls "theory"), for he eschews formal, fixed rules in favor of "rules of thumb" (317). On the other hand, of course he has a *techne*. He has students, writes essays, has a position to maintain, and principles to argue for. On the one hand, he advertises the principle that might makes right and that intelligibility is the product of interpretive flux. On the other hand, he counsels us not to despair in the face of such anti-formalism but to do what we have always "naturally" done, namely follow the dictates of "practice," of "historical and social formations" (ix). This is precisely the vacillation captured by Isocrates. It is essential to the view of "rhetorical man."

Isocrates' position contrasts with that of the "Platonist" who, after all, is said to argue for a strict set of forms that should govern the entirety of *praxis*. Indeed, the argument has been made that *Against the Sophists* is in fact aimed against Plato. Werner Jaeger, for example, thinks that in this work are "collected in a small space all the features which make Platonism repulsive to ordinary common sense."[19] And what are these? A grossly exaggerated formalism, the delusory beliefs that *praxis* can be measured by stable standards and that knowledge is human excellence, and the consequent intolerance for those who are ignorant, i.e., for the majority who vote in a democracy.

On Jaeger's reading, Isocrates' ambivalence on the *techne* question, the very form he uses to explain himself, faithfully mirrors the phenomena of democratic political life. Yes, of course someone can teach us how to speak

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and act well: simply look around and see it being done. But no, this subject—call it "rhetoric"—cannot be rendered determinate or mathematically precise or analogous to orthography. Its subject matter is far too human, too vulnerable to the whims of chance, to allow for that. Therefore, only someone profoundly ignorant or contemptuous of normal experience (and people) would demand that the study of political life be transformed into a *techne*.

The Old Quarrel Cannot Be Resolved

In the old quarrel the "Platonist" maintains that there are stable Forms that structure human *praxis*. These can be known, and can be counted on when making value judgments. The rhetorical man counters: *praxis* is an indeterminate flow of contingent occasions, none of which can be fixed by knowledge.

I think Fish is right in saying that the quarrel cannot be resolved, and for the reason he suggests: in order for the debate to commence, a basic commitment to one or the other side *already* has to be made by both parties. Simply to enter the debate is thus to end the debate. Rhetoric is a specific form of human discourse. Since it is unconcerned with timeless Truths or Structures, it aims to invent solutions to immediately pressing problems. As Gorgias, the quintessential rhetorical man, put it, truth is but an "adornment" (*kosmos*) of *logos*.[20] Truth, in other words, is neither essential to nor definitive of *logos*. To believe, therefore, that the *telos* of *logos* is truth, and thus to be driven to seek the truth, is a fundamental or category mistake. Rhetorical discourse is open to contingencies and indefinitely variable. According to Quintilian it is "perpetual" or "continual" speech, and is imaged (according to Zeno) by an "open hand."[21]

An open hand can grasp nothing; but this, the form of the rhetorical *logos*, is grounded on its "content," namely its basic view that there is nothing out there, no "concept" (no *Begriff*) to grasp; that human *logos* is inextricably connected to the political world, which in turn is a fluid series of contingent moments without an ultimately defining structure. There is a strong element of skepticism inherent in rhetoric, whether it is overtly expressed or not. Simply put, human beings are restricted to *doxa*, to "opinions" and appearances, and these are always in flux. Again, Gorgias comes to mind, not only because of his famous essay, "On the Nonexistent," but also because of his comment in the "Helen" that even the astronomer substitutes "one *doxa* for another, taking away but creating another" (13), and that *doxa* "is slippery and insecure" (11). As a result, the *production* of new opinions, and not the grasping or discovery of truth, is the ultimate task of the rhetorical *logos*.[22]

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The "Platonic" *logos*, by contrast, is imaged by a "closed fist." (Zeno actually says this about dialectic.)[23] It demands rigor and conceptual clarification. It is driven and uncompromising in its quest for Truth. It is "technical" or at least aims to become a *techne* and thereby to control the flux of *praxis*. This is its "form," which in turn is based on its content, namely its view that the world has formal structures that are in principle accessible to human thought.

It should be clear that the rhetorician and the philosopher do not share the same language. How then can they argue with one another? Should they do so with open hands or with fists? In other words, what rules should govern their argument? What should be its goal? To win by having grasped the truth, or to win by having persuaded the audience? In order for the debate to begin, rules must be agreed upon and the goal must be set. But each side differs fundamentally about what these rules and this goal should be. How, then, can the debate begin? In order to begin, one side already has to be declared the victor, for it will be by its rules that the game will be played. In short, the old quarrel is a legitimate case of incommensurability.

Plato Is Not a "Platonist"

Stanley Fish does not fully understand the consequences of this incommensurability, of the fact that the old quarrel is both insoluble and enduring. The very intractability of the debate is itself a structure. When human beings debate issues of fundamental significance the result is a dialectical antinomy which in turn functions as a basic structure, a grid upon which all subsequent debates are "mapped." Second, Fish cannot account for the fact that people are driven to take sides in the old quarrel, that it continually recurs and is about fundamental issues. Plato can account for this, and does.

Throughout the early dialogues, Socrates regularly makes use of both the term and the concept of *techne*. Most commentators believe that these arguments, which usually are analogical in form, commit Plato to a technical conception of moral knowledge. In others words, on the standard reading of the *techne* analogy, Plato is a "Platonist" who aims to transform moral knowledge into a rigorous, "fixed" *techne*.

Consider the following example. In the beginning of the *Laches*, Lysimachus, a man hoping to educate his son in *arete* ("excellence"), asks both Laches and Nicias (two respected generals) whether they think that armor-fighting is a good vehicle for teaching *arete*. Laches says no, Nicias yes. In the face of such diagreement Lysimachus asks Socrates to cast the deciding vote. Socrates is appalled at the prospect of so serious a question

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being settled by a vote. In order to convince Lysimachus that he is being wrong-headed, he uses the following argument: if there were a debate about what exercise your son should perform in order to become a good athlete, you would not take a vote. You would consult an expert coach. The question would be decided by knowledge (*episteme*).[24] Therefore, in order to decide the question before us now—namely, is armor-fighting conducive to *arete*?—we should consult an expert, someone who is *technikos*, i.e., someone who has a *techne*, rather than take a vote.

Socrates seems to assume this analogy: as the expert coach is to the excellence of the body, so the philosopher is to the excellence of the "soul" (*psyche*).[25] Terence Irwin comments on this passage: "[Socrates] demands an expert craftsman in moral training."[26] ("Craft" is Irwin's translation of *techne*.) In other words, Irwin interprets Socrates' use of the analogy to imply that Plato's goal is the achievement of a technical conception of moral knowledge. Socrates, Irwin says, "has good reasons for thinking that real virtue—not fully embodied in anyone at the moment—will be a craft; for a craft will clearly satisfy some of his basic demands of virtue and moral knowledge."[27] And what are these demands? That knowledge "have a definite subject matter and product which can be achieved by some regular and clearly explicable process."[28] In sum, Irwin offers a strict reading of the analogy.

There is, however, no immediate evidence that the analogy must be taken so strictly. It is logically possible that the analogy is meant only to imply that there is some sort of knowledge of *arete* which should be sought. What sort of knowledge this is—and whether it is even attainable—is left entirely open. That Socrates uses coaching, a typical *techne*, in the analogy can be explained precisely by the fact that it is typical, i.e., it is an obvious example of knowledge that a nonphilosopher such as Lysimachus can understand and affirm. The reading I suggest interprets Socrates' use of the analogy as primarily exhortative. By pointing to the authoritative character of an ordinary instance of knowledge, Socrates urges Lysimachus to pursue moral knowledge rather than submit to the opinion of the majority.

What my reading accomplishes—and I think I can extend it to virtually all of Socrates' many uses of the *techne* analogy—is to open up possibilities for interpreting Plato's version of moral knowledge.[29] Irwin joins Martha Nussbaum, Gregory Vlastos, Paul Woodruff, Rosemond Kent Sprague, and a host of other prominent commentators who contend that Socrates' use of the *techne* analogy implies that moral knowledge is strictly analogous to a *techne*. If they are correct, then Plato would indeed be a "Platonist"; he would be subject to Isocrates' strong critique. But if Socrates' use of the *techne* analogy need not be read so strictly, then the goal of the

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Platonic dialogues might well be to show that moral knowledge is "nontechnical."

In the early dialogues Socrates refutes interlocutors who attempt to define a specific virtue (moderation, courage, piety, justice, wisdom). He typically does so by making two assumptions: first, that virtue is (or is essentially connected to) knowledge; second, that knowledge is best modelled by a *techne*. The result: the interlocutor, who has accepted the assumptions, is refuted. These dialogues, however, end in *aporia*, in the apparent failure to define the virtue. It is thus possible that the entire point of such arguments is to demonstrate that while virtue is indeed knowledge, it is specifically not a *techne*.

An example from the *Charmides*: Critias defines *sophrosyne* (moderation) as self-knowledge. To this Socrates asks, "if *sophrosyne* is a knowing something (*gignoskein ti*) obviously it must be a knowledge (*episteme*) of something. Or is this not so?[30] As Drew Hyland has argued, the "is this not so" (*e ou*) may well be important for it leaves open the possibility that moral knowledge, i.e., *sophrosyne* or self-knowledge, need not be interpreted via the model of *techne* (which is synonymous with *episteme* throughout this and other early dialogues).[31] Critias rejects this potentially fruitful option and proceeds on the assumption that *sophrosyne* is a *techne*. And this is exactly what causes his downfall, since an object analogous to health or houses, the objects of two typical *technai* (medicine and carpentry), cannot be located for "self-knowledge." Simply put, the "self" is not a determinate object.[32] Indeed, much of the dialogue is devoted to exploring the various *aporiai* that occur if self-knowledge is modelled on *techne*.

About this passage in the *Charmides* Irwin claims that "[Socrates] must assume [temperance] is no more than a craft."[33] This seems wrong. I think George Klosko is nearer to the truth when he says, "exactly what the *Charmides* establishes is not clear, but it seems to damage the [*techne* analogy] more than support it."[34] The argument in the *Charmides* is extraordinarily complicated, and I have only touched on it. But I hope my point at least warrants consideration: Socrates' use of the *techne* analogy may well indicate that moral knowledge is specifically not a *techne*. If this is so, Plato is not a "Platonist."

Then what is he? What is non-technical knowledge? I would answer both questions by pointing to what I think is the greatest advantage of my reading of the *techne* analogy: unlike the standard interpretation of Plato, including Fish's, my reading offers an explanation of *why Plato wrote dialogues*. I would argue that the literary form which Plato chose is essential to the philosophical content he wished to express. A dialogue is a drama, an imitation of characters who speak and act in the midst of very specific

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historical circumstances. As such, it is best able to express non-technical moral knowledge.

Moral knowledge is not reducible to a set of true propositions. It is not a theory, not a *techne*. In fact, it is surprisingly like rhetoric; it is "practical" knowledge that embraces both word and deed, and is manifested in particular situations. It is knowledge that would be imaged by neither a fist nor an open hand, for it aims for conceptual rigor while simultaneously engaged in perpetual speech. It is knowledge that lives, and that can only come alive in the form of a drama.

Consider next how Socrates describes the "origin" of philosophy in the *Theaetetus*. An analysis of this famous passage will show that the old quarrel is intrinsic to Plato's conception of philosophy. Far from being a partisan defending one extreme in the debate, Plato embraces both extremes and weaves them into the very fabric of his thought.

After talking to Socrates, Theaetetus says this:

> By the gods, Socrates, I am lost in wonder when I think of all these things, and sometimes when I regard them it really gets me dizzy.

Socrates responds:

> Theodorus seems to be a pretty good guesser about your nature. For this feeling of wonder (*thaumazein*) shows that you are a philosopher, since wonder is the only origin of philosophy.[35]

What are "these things" that Theaetetus is wondering about? The main question of the dialogue is, what is knowledge? Theaetetus' first answer was: "knowledge is perception" (*aisthesis*).[36] Socrates begins his examination of this definition by associating it with the relativism expressed in Protagoras' dictum that "the measure of all things is human being, of things which are, that they are, of things which are not, that they are not." What this means, according to Socrates, is "that things are for me such as they appear to me, and for you in turn such as they appear to you."[37] So, for example, the wind is neither cool nor cold; it seems cool to me, but cold to you.

Socrates argues that Protagoras had a "secret teaching" because his notion of perceptual relativism leads to a more dramatic conclusion, namely that "nothing is one and invariable [*auto kath hauto*]. Everything is a result of movement and motion and mixture."[38] The secret teaching is thus the Heraclitean doctrine that all is flux, that nothing abides. As a result, there are no stable qualities that can be perceived; a given act of perception is really the result of an interaction of various motions. What we call white is neither something inside nor outside of the eyes; it is the result of the impact of the eye upon the appropriate motion; and this is peculiar to each

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individual. Not only does nothing appear the same to different individuals, but according to (Plato's) Protagoras nothing appears the same even to a single individual who, after all, is himself in perpetual flux.

Socrates then asks how, given this basic framework, we can account for the following: if someone has six dice and compares them with four dice, he will conclude that the six is more by half; if he compares the six to twelve, he will conclude it is half as many. The six dice, while remaining the same, are thus both less and more. Similarly, Socrates, who at his age is neither growing nor shrinking, was larger than Theaetetus a year ago, but smaller than him now. Socrates, while remaining the same size, is thus both larger and smaller.

These are the sorts of problems, of which there are "myriad" examples, that cause Theaetetus to get dizzy in wonder, and Socrates to identify the origin of philosophy. But what are these problems if not a version, or better a skeleton, of the old quarrel?

How do the six dice remain the same, and yet become both less and more? How do they remain the same and yet not the same? The answer is obvious: they are at first compared with four dice, and then with twelve dice. But how exactly do the six dice remain constant even while they are changing, i.e., while they are being compared to different objects? What is the source of such constancy? We perceive that six is more (than four) and less (than twelve). Is this a contradiction? In a sense yes, but only on the level of perception. Our perceptions, however, can be stabilized, in this case by counting, by *arithmos*. In counting the intellect is "summoned" to make distinctions, to order, and to measure.[39] We count the dice, determine that six is more than four by half and is half of twelve, and thereby stabilize what otherwise will appear to be a contradiction.

This juxtaposition of stability and change, of the constancy of *arithmos* and the flux of perception, is the skeleton of the old quarrel between philosophy and rhetoric. The "rhetorical man" (in Fish's words) celebrates the "protean and the unpredictable," the contingency of human praxis, the inaccessibility of a "text itself," the forever changing shapes of force. In Isocratean terms, he understands the primacy of the *kairos* and the *prepon*, the opportune moment and what is an appropriate response to that moment; he appreciates the centrality of change and luck, and properly denigrates the paradigm of a fixed *techne*. By contrast, the "serious man" seeks something that can be counted on, something stable and fixed; hence the quarrel.

In short, the quarrel is wonder-ful and is what animates philosophy. As a result, philosophy is not, after all, identical to the "serious man's" fixation on the stable. Philosophy for Plato originates in wonder at the intermingling of stability and change. Plato does not denigrate change and take his

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bearings only from eternal, motionless Forms. Instead, he brings the quarrel to life in his dialogues, which reflect the perpetual battle between rhetorical and serious man, between the flux of perception and the stability of *arithmos*.

Wonder—the juxtaposition of stability and change, the bare bones of the old quarrel—does not simply originate philosophy in a temporal sense. For Plato, philosophers do not begin by wondering and then end by overcoming their wonder. Instead, the wonder abides. What does this mean? That Socrates' many disputes with "rhetorical men" do not end in unequivocal victory for the philosopher.

That Socrates frequently disputes with rhetorical men is obvious: Gorgias, Polus, Callicles, Hippias, Thrasymachus, and Protagoras, are all prominent interlocutors. None of these disputes are apodictically settled in favor of the philosopher. While it is true that, for example, Thrasymachus is refuted, Plato makes it clear that this is so only because he has been made to agree to certain Socratic assumptions, assumptions that his own position did not necessitate. For example, Thrasymachus agrees that it is possible for the ruler to make mistakes. This assumes that there is some objective standard to determine what is a mistaken ruling and what is not. Such an assumption, however, leads to a contradiction, for earlier Thrasymachus had asserted that "justice is the advantage of the stronger," i.e., of the ruling body, and that it is always just to obey the ruler. If mistaken rulings are possible, then it is sometimes the case that doing what is just is not to the advantage of the ruler.[40]

Plato shows how fragile Socrates' refutation of Thrasymachus really is through Cleitophon, a character who appears in the midst of the Socrates/Thrasymachus debate. Cleitophon simply refuses to agree that rulers make mistakes. For him, justice is "what the stronger believes to be to his advantage," and not his actual advantage. In other words, Cleitophon is a consistent and thorough relativist: justice is what seems to be, not what is, advantageous to the ruler. Because of his refusal to accept Socrates' assumption, he is pointedly not refuted. I believe this is evidence that Plato understands that the old quarrel cannot be unequivocally resolved.[41]

This kind of dialectical complexity occurs often in the Platonic dialogues. Two brief examples: in the *Gorgias*, Gorgias is refuted because (like Thrasymachus) he agrees that rhetoric is a *techne* whose object is justice. By contrast, Callicles refuses to acquiesce to such assumptions and as a result it is arguable that he is not refuted at all. Protagoras, in the *Protagoras*, masterfully evades Socrates' attempts to force him to agree to various assumptions concerning the "sophistic *techne*," and consequently can muster a powerful defense of himself as a "rhetorical man."[42] I propose that by crafting such dialectical maneuverings, Plato, like Stanley Fish, shows

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that there is "no prospect of ever reaching accord" in the old quarrel between philosophy and rhetoric.

But Plato has one great advantage over Stanley Fish. Fish, who has correctly diagnosed the enduring centrality of the old quarrel, cannot explain why it grips us as it seems always to do. He cannot account for the wonder we feel in its presence nor explain why we invariably debate such questions as: Is knowledge objective or relative? Are there foundations to our discourse? Are there standards out there that can underlie and warrant our value judgments? There is an urge to argue these questions. This is what Fish cannot explain, but Plato can.

The case of *Philosophy v. Rhetoric* is an old quarrel because human beings wonder about the relationship of constancy and change. We care about understanding this dispute and desire to talk about it. We (and Fish must be included here) probe for answers and want to settle the question. We long to debate and typically think that we have won. This set of desires and concerns, all of which I think are explicated by Diotima in the *Symposium* under the heading of "eros," Fish cannot explain.[43] He would have us rest content as "rhetorical men" who live without the old quarrel. But such contentment defies human experience and history. We are restless malcontents, driven always to go beyond ourselves. We wonder about the lives we lead and are then impelled into the serious *logos*. We ask serious questions, even if it is true that they cannot always be resolved.

Stanley Fish, like so many before him, has entered the dispute of disputes, the old quarrel between rhetoric and philosophy. To his credit he acknowledges that this debate will not be settled. Nevertheless, he champions one of its sides. Plato, identifed by the postmodernists as their archenemy, has a far greater understanding of why the quarrel is so old. The juxaposition of stability and change constitutes our experience and generates myriad questions that we are impelled to pursue. We wonder and we long to talk. Since our endless debates can be mapped on a grid formed by this basic antinomy, the old quarrel itself is an enduring structure of human discourse. And this fact is enough to discredit Fish's defense of his rhetorical man.

NOTES

1. Don DeLillo, *White Noise* (New York: Viking, 1985), 88.
2. All citations of Fish will be from this book. Socrates uses the phrase "old quarrel" (*palaia diaphora*) in the *Republic* at 607b5 to refer to the "debate" between philosophy and poetry. I shall use the term to refer to the debate between philosophy and rhetoric. Since Plato views poetry and rhetoric as fundamentally similar, this is a fair substitution.

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3. This phrase comes from Fish's colleague, Barbara Herrnstein Smith, in her *Contingencies of Value* (Cambridge, Mass.: Harvard University Press, 1988), 149.
4. These names come from Richard Rorty's *Philosophy and the Mirror of Nature;* Nietzsche's *Birth of Tragedy*, especially sec. 15; and Derrida's *Of Grammatology.*
5. I doubt, however, that Fish would approve of the phrase "in principle."
6. See Fish's chapter "Consequences," 315–41. Note that Fish states that "the model . . . for theory is mathematics" (317), and that "theory . . . is another name for philosophy" (334–5).
7. Fish here is citing Richard Lanham.
8. Prof. Fish has responded to this question in a personal letter: "My answer to the question you asked about the enduring centrality of the old quarrel would be an institutional and historical one; this is the way the quarrel got set up and we are heirs of its influence."
9. The date of this book is important because of the debate as to whether Isocrates is responding to the young Plato, or vice versa. The text I use in what follows is that of George Norlin in *Isocrates II* (Cambridge: Loeb Classical Library). Translations are my own.
10. *Nicomachean Ethics*, III.iii.8, 1112b1–6. Also, see *Rhetoric*, I.ii.12, where Aristotle states that the subject matter of rhetoric is those things about which we deliberate.
11. The Greek text of Philolaus is Diels, *Die Fragmente der Vorsokratiker* (Berlin, 1959). For a translation and commentary see Carl Huffman, "The Role of Number in Philolaus' Philosophy," *Phronesis* 33 (1988): 1–29.
12. Werner Jaeger defends the thesis that Isocrates is a critic of Plato in *Paideia,* Vol. III (Oxford, 1971), 48–70.
13. Jaeger, 55.
14. Sextus Empiricus, *Against the Professors*, II.16. The translation is that of R. G. Bury in *Sextus Empiricus,* Vol. IV (Cambridge: Loeb Classical Library).
15. Note that, unlike the earlier passage, here Isocrates *doesn't* say "seem to be."
16. Joel Lidov summarizes this material in "The Meaning of IDEA in Isocrates," *La Parola del Passato* 38 (1983): 273–87.
17. As a result, the question, did Isocrates actually write a "*techne*," a rhetorical manual?, has perplexed scholars for centuries. I agree with Michael Cahn's treatment of this issue in "Reading Rhetoric Rhetorically," *Rhetorica* 7 (1989): 126–39.
18. For Fish on Isocrates, see 481.
19. Jaeger, 57.
20. Gorgias, "Praise of Helen," 1. The first word of the speech is *kosmos.*
21. Quintilian, *Institutio Oratio*, II.xx.7
22. This is one way of explaining why Plato's "old quarrel" between philoso-

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phy and poetry is really the same as that between philosophy and rhetoric.

23. Quintilian, II.xx.7.
24. *Laches*, 184e8. *Episteme* is synonymous with *techne* throughout the early dialogues. My Greek text for Plato is Burnet's Oxford edition, and translations are my own.
25. *Laches*, 185e3.
26. Terence Irwin, *Plato's Moral Theory* (Oxford: Oxford University Press, 1978), 71.
27. *Ibid.*, 75.
28. *Ibid.*, 74.
29. I am presently working on a book, *Plato's Understanding of* Techne, that will attempt to substantiate this thesis.
30. *Charmides*, 165c3–5.
31. Drew Hyland, *The Virtue of Philosophy* (Athens: Ohio University Press, 1986), 145. Hyland does not acknowledge that *e ou* is consistently met by a positive response in the dialogues. This weakens, but does not entirely vitiate, his reading here.
32. This is a point made via a joke at *Statesman* 266b.
33. Irwin, 70.
34. George Klosko, "The Technical Conception of Virtue," *Journal of the History of Philosophy* 18 (1981): 102.
35. *Theaetetus*, 155d. Compare to Aristotle's famous statement about wonder, at *Metaphysics* 982b.
36. *Theaetetus*, 151b.
37. *Ibid.*, 152a.
38. *Ibid.*, 152c.
39. See *Republic* Bk. VII, 523b ff., for an elaboration of this point.
40. *Republic*, 338c–339e.
41. See my "The Riddle of the *Cleitophon*," *Ancient Philosophy* 4 (1984): 132–45. A thorough elaboration of this argument can be found in my *The Tragedy of Reason* (New York: Routledge, 1990).
42. These are the sorts of arguments that are the focus of my present work in progress.
43. See the sections titled "Eros and Logos" in *The Tragedy of Reason* for my own views on the *Symposium*.

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Calvin O. Schrag

RECONSTRUCTING REASON IN THE AFTERMATH OF DECONSTRUCTION

Thomas McCarthy has provided a trenchant critique of the deconstructionist turn in recent philosophy and has outlined a program of reconstruction in its aftermath. He develops his version of reconstructionist philosophy against the backdrop of Kant's doctrine of critical reason and the critical theory of Jürgen Habermas. However, McCarthy's reconstructionist design is not simply an appropriation and defense of Habermas. He provides a critical reformulation of the Habermasian position, deftly using Habermas against himself. The author is in accord both with McCarthy's disposition to problematize the premises of deconstruction and his call for philosophical reconstruction. In continuing the conversation, however, he distances himself farther than does McCarthy from the criteriological concept of rationality that was proposed by Kant and which continues to inform Habermas's requirement for the grounding of validity claims. In the process the author proposes a new approach to the resources of reason along the lines of what he has come to call the dynamics of transversal rationality.

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It is refreshing to read an account of the quarrels between modernists and postmodernists that is at once lucid and focused on substantive issues. Thomas McCarthy's recent book, *Ideals and Illusions: On Reconstruction and Deconstruction in Contemporary Critical Theory* (Cambridge, Mass.: MIT Press, 1991), provides such an account.

The quarrels between modernists and postmodernists tend to pivot around the claims of reason. Postmodernists allege that traditional conceptions of reason, knowledge, and truth are groundless *constructs* and must, therefore, be subject to a full-scale *deconstruction*. Philosophers of a more traditional/modernist bent find that such a deconstruction invites a self-effacing relativism and a suffocation within the historically specific. This, for McCarthy, sets the stage for a *reconstructed* rationality that is able to accommodate the requirements of deconstructive critique without sacrificing the resources for knowledge and truth claims. With a firm grasp of the principal issues at stake in the ongoing debates, McCarthy ably forges a format for a reconstructive philosophy that is sufficiently open-textured to appropriate some of the more durable contributions from each of the warring camps.

The paradigm of reconstructive philosophy to which McCarthy appeals is that of Kant's doctrine of critical reason, in which McCarthy finds a deconstructive moment. Critical reason, as defined by Kant, has within its telos the dissolution of the illusions of speculative metaphysics. It purports to demonstrate how the dogmatic claims of ancient and medieval metaphysics, upon close and rigorous analysis, founder as they become ensnared within a spate of parallogisms, antinomies, and transcendental illusions. There is, however, another function and task that Kant ascribes to critical reason, more reconstructive than deconstructive, employing "ideals" as presuppositions for an understanding of self and world within the constraints of human finitude. These ideals as defined by Kant are regulative rather than constitutive, guides for rational inquiry rather than contents of knowledge claims. Thus, McCarthy's theme of ideals and illusions, and his double requirement of reconstruction and deconstruction, receive their main inspiration from Kant's philosophy.

But there is yet a third feature of McCarthy's appropriation of the Kantian legacy. This has to do with Kant's reception by the Frankfurt School of critical theory, and it is this that fleshes out McCarthy's wider design: to articulate the roles of deconstruction and reconstruction against the backdrop of a critical social theory. This wider design unfolds through a continuing discussion that revolves around two centralizing foci: (1) a critical engagement with the proponents of deconstruction and their postmodernist sympathizers, and (2) a critical appropriation of the thought of Jürgen Habermas, leading to a reformulation of critical theory as a project

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of reconstruction with positive political effects. Simplifying, and very likely to the extreme, it could be said that McCarthy's project is that of first using Habermas against the deconstructionists and postmodernists and then using Habermas against himself.

There is always a problem of deciding who is to be included in the company of deconstructionists. Derrida is certainly a stockholder, and a case can be made for the claim that it was Heidegger who started it all with his call for an *Abbau*, a dismantling of the history of Western metaphysics. McCarthy has elected to include Michel Foucault and Richard Rorty as members of the wider circle, even though they are at times preoccupied with issues quite different from those that concern Derrida and Heidegger.

An additional problem is the relationship of "postmodernism" to deconstruction. Postmodernism, in its most general posture, has come to be defined as an assault on the modern conception of rationality. The attack on logocentrism in deconstructionist thought is certainly a part of this wider reaction against modernity. However, what currently flies under the flag of postmodernism is somewhat more varied and encompassing than is deconstruction, both as a textual strategy and a philosophical point of view. In the end, however, it may not be all that productive to proliferate labels and assign them to particular authors. What is of more consequence is a definition of the issues that are at stake in the sometimes harmonious, and sometimes dissonant, voices variously characterized as deconstructionist, anti-structuralist, post-structuralist, anti-Enlightenment, post-liberal, postmodern, etc. And it is the defining of these issues that McCarthy does very well.

There does appear to be at least one common thread running through the multiple philosophical tapestries that have a "de-", an "anti-", or a "post-" stitched into their fabric: *a spirited problematization of the resources and claims of reason*. McCarthy holds that such a problematization of rationality is clearly visible not only in Derrida's "politics of the ineffable" and Heidegger's aestheticism but also in Foucault's genealogical approach and Rorty's neo-pragmatism. In the thought of these four representatives of deconstruction and postmodernism, reason recedes into the background as the focus shifts to that which is *other than reason.*

Rorty's Neo-Pragmatism

The shift to that which is other than reason is exemplified, albeit in different ways, by all four figures McCarthy has selected for examination. None of the four would allow for what McCarthy identifies as "context-transcending notions of truth and reality" (31) and "unconditioned truth" (34). Rorty's position, according to McCarthy, entails an emphatic contex-

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tualism and an obsession with conditionality and contingency that blurs any and all visions of context-transcending and unconditional truth claims. Although McCarthy is ready to grant that Rorty's version of deconstruction has a valuable service to perform, he is of the mind that Rorty simply goes too far when he hurriedly deconstructs everything that transcends the local and the historically specific. McCarthy wants to hold the line on context-transcending and unconditional truth claims so as to account for the possibility of critique. "It is the moment of unconditionality," he writes, "that opens up to criticism from other points of view" (33). It is only by taking the risk of advancing universal conclusions on the basis of finite, particular evidence that we open our views to being judged either true or false or to being supplemented by other viewpoints.

In raising the issues of contextuality and conditionality McCarthy brings to the fore the epistemological issues that separate modernists from postmodernists, and it is to his credit that he resists any easy resolutions of these issues, struggling to think his way through them. Although I have some questions about the manner in which he does so, I am able to agree with him that the deconstructionist/postmodernist posture regarding the issues of contextuality and conditionality leaves too many stones unturned.

McCarthy is sufficiently sensitive to the problems occasioned by modernity's heavy purchases on "the universal, timeless, and necessary" (34), and he does seem to have something going in his request for a consideration of "contingent universals" (36). He recognizes the weight of context and the relevance of local conditions; yet he correctly perceives the necessity of accounting for the possibility of critique by which the contents of our particular situatedness in time and history can be assessed, evaluated, revised, and at times revoked. Obsessive preoccupation with the local, the particular, and the contingent (which invites a conventionalism of belief and practice) simply comes up short in the end.

Foucault's Genealogy

McCarthy's critical assessment of Foucault proceeds along lines similar to his critique of Rorty. However, there is a sense in which Foucault's interests are more compatible with McCarthy's revised critical theory than is Rorty's epistemological behaviorism. A case in point is the remarkable similarity between Foucault's genealogy and Horkheimer's critical social theory. Both radicalized the Kantian notion of critique by accentuating the impurity of reason, stemming from its entanglement with power structures in social institutions; both rejected the Cartesian autonomous rational subject; and both granted a primacy to the practical over the

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theoretical, recognizing theory of knowledge to be a part of theory of society.

Yet, when the final results are tallied, Foucault's genealogy is found to be wanting, principally because of its overdetermination of power relations and its inadequate conception of reason. According to McCarthy, Foucault's treatment of power tends to blur all distinctions between its legitimate and illegitimate use. The consequences of this for the responsible use of political power are far-reaching and quite disastrous. If the resources of impure reason remain unable to sort out the positive and negative effects of power, then all concrete strategies for political governance simply remain up for grabs, depending upon who is positioned to grab the most power.

The root of the problems in Foucault's ontology of power is a marginalization of the efficacy of the subject—whose reason may indeed be "impure," but nonetheless effective for discerning the moral consequences in the misuse of power. In Foucault's scheme of things the subject is reduced to an effect of an all-pervading and all-consuming network of power relations. Foucault's genealogy provides an account neither of the agentive subject's self-understanding nor of its role in the configuration of social structures. McCarthy attributes these failures "in part to the continued influence of structuralist motifs in [Foucault's] genalogical phase," as a result of which "he swings to the opposite extreme of hypostatizing wholes—regimes, networks, *dispositifs*, and the like—over against parts, thus proposing to replace an abstract individualism with an equally abstract holism"(56).

Although Foucault is at one with critical theorists like Horkheimer in deconstructing the abstract individual of classical liberalism, he fails to rise to the occasion of reconstructing the individual agent as a socially interactive force oriented toward effective social critique. Now to remain as fair as possible to Foucault's entire corpus, McCarthy does address the shift in the later Foucault away from the structuralist-informed program of genealogy to a more normatively oriented project of "self-formation" and "care of the self" (67). In this later phase, according to McCarthy, Foucault is beginning to set things aright. But unfortunately this is a dollar short and a day late. Even though we do find in the later Foucault a delayed effort to correct his earlier holistic bias, he remains unable to secure a full-bodied notion of agency and settles merely for a species of "aesthetic individualism" (73).

As Foucault is in accord with the critical social theorists of the Frankfurt School in rejecting the abstract individualism of the liberal tradition, so also is there agreement on the primacy of practical reason and the relevance of the social sources of knowledge. But here again Foucault fails to

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draw the proper implications from these areas of agreement. He overdetermines the weight of the social context and divests reason of its power to transcend the sedimentations of the local and the culturally specific:

> While both approaches assert the primacy of practical reason and acknowledge the unavoidable reflexivity of social inquiry, Foucault takes this to be incompatible with the context transcendence of truth claims and the pretensions of general social theories, whereas the Frankfurt theorists seek to combine contextualism with universalism and to construct general accounts of the origins, structures, and tendencies of existing social orders. (48–9)

We are thus back to ground zero—which we already encountered in McCarthy's critique of Rorty. The inability to acknowledge context-transcending truth claims is the chief problem with both Rorty and Foucault. For unlike the proponents of critical theory, Foucault botches the reconciliation of contextuality and universality and keeps rationality imprisoned within the particularity of local social practices.

Against Deconstruction

A similar state of affairs unfolds in McCarthy's critique of Heidegger and Derrida. Heidegger's abdication of the resources of rationality is seen to be most pronounced in his later works—after the "turning" (*Kehre*) that marked Heidegger's move from existential and phenomenological ontology to a poetic aestheticism. As was Foucault, so also was Heidegger acknowledged by some members of the Frankfurt School (most notably Herbert Marcuse) as having made a significant contribution to social theory. But in the course of time, and particularly with the publication of his later writings, Heidegger's stock became progressively devalued among critical theorists. However, it is principally Jacques Derrida, Heidegger's left-wing successor, who has elicited the most ire from Frankfurt School critics. It is in the deconstructionist program of Derrida and his followers that the "other than reason" reaches its highest point of intensification. The critique of reason becomes totalized. Reason, pretty much in every sense you please, is deconstructed. The representations of philosophical reflection no longer have anything to represent, and the signifiers of our rational discourse remain bereft of any signified contents. The concrete spin-off from all this, according to McCarthy, is a "politics of the ineffable," which leaves us disconcertingly adrift amid the pressing matters of socio-political criticism and reform.

The main issue that comes to the fore in Derrida's project of deconstruction and its politics of the ineffable is the status and effects of *alterity*, of *otherness*. The "problem of the other" is a recurring feature of the landscape

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of deconstructionist and postmodernist thought. It is in the thought of Derrida that this problem is given its most decisive expression. Sometimes the semantic referent of "the other" takes on a measure of specificity—e.g. the other text, the other self, the feminine, the ethnic minority, or even death. In different contexts, however, we are invited to consider a more generalized, global other—that which is other than reason and which putatively pervades all of the more particularized instantiations. The talk about otherness takes on a rather pronounced elasticity. And it is this that McCarthy finds to be so troublesome.

Otherness, in the thought of Derrida, is an implication of his pivotal notion, or cipher, "*différance*." It is not without its historical precedents. Already in his *Sophist*, Plato had proposed an analysis of difference and otherness into each other, complementing the convertibility of identity and sameness within his ledger of super-forms. As is well known, this initiated a history of speculative inquiry into the mind-boggling problems of identity and difference, sameness and otherness.

The central point of contention in McCarthy's polemic against Derrida's conception of the other in his politics of the ineffable is that the role of otherness becomes both methodologically and normatively problematic. Derrida runs roughshod over some important distinctions that need to be made, and he offers no directions for deciding how to respond to the other encountered in concrete socio-political situations. The other, in the thought of Derrida, becomes romanticized as the dispossessed, disenfranchised, and excluded. The consequence of this is a restriction of the socio-political space in which otherness is allowed expression and a leveling of moral distinctions among the various voices of the other. McCarthy asks: "When and where and in what forms? All otherness, even the violent and aggressive types?" (80). These questions are assuredly timely and well-placed. Otherness has multiple expressions and assumes variegated forms, as we shall discuss later. The other can appear in the guise of a Sartrean coefficient of adversity, or it can manifest itself as a resource for self-realization. It can function as an intrusion of violence, or it can be present as a certification of a social bond. It can be simply excluded, or it can be a stranger brought into our midst. It can be a voice of anti-reason, but it can also lead to an expansion and enrichment of rationality. Admittedly, Derrida informs us that "*différance* points us in the direction of democracy" (117). But this direction, retorts McCarthy, is no *particular* direction. It is a direction at once indeterminate and undecidable—in Derrida's own words, a "democracy to come" and "not the one we think we know" (117). This leaves us pretty much at sea. It provides neither a standpoint for critique nor an occasion for a redress of social ills through responsible communal action.

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Reconstructing Habermas

After having critically engaged the disciples of deconstruction and the proponents of postmodernism—Rorty, Foucault, Heidegger, and Derrida—McCarthy turns his attention to the thought of Jürgen Habermas. To be sure, Habermas and the Frankfurt School already figured in Part I of *Ideals and Illusions*, but it is principally in Part II that McCarthy carries out his reconstructive project in the form of a friendly dispute with Habermas.

It is unfortunate that McCarthy has come to be pigeon-holed as primarily an expositor and advocate of Habermas's philosophy. This is due, in large measure, to his clear and superbly crafted exposition of Habermas's contributions, *The Critical Theory of Jürgen Habermas*.[1] In *Ideals and Illusions*, however, McCarthy shows that he is an incisive critic of Habermas and an original thinker in his own right.

As in his earlier work, so also in this one, McCarthy discusses Habermas's central concepts and arguments, albeit in much less detail. These concepts and arguments include Habermas's universal pragmatics; his break with the philosophy of consciousness; his notion of communication as a process of critique through the redemption of validity claims; his ethics of discourse; his reconceptualization of reification as a colonization of the lifeworld; and his integration of action theory with systems theory. *Ideals and Illusions* would be a profitable read for anyone having their first go at Habermas's complicated philosophical edifice. But there are even more priceless gems in store for those who want to learn about the more troublesome features of Habermas's work.

McCarthy proceeds straight to the points of vulnerability in Habermas's critical theory. The subtitle of chapter 6, "Complexity and Democracy: The Seducements of Systems Theory," signals the problems that lie ahead. Systems theory, like Hayek's theory of "spontaneous order," claims that aspects of social integration are unintended consequences of individual interaction rather than planned consequences of deliberation. In his enchantment with systems theory as a *supplement* to the action-theoretic and subject-centered rationalism of modernity, Habermas overshoots his goal and ends up *substituting* a "theory of systems" for a "theory of the subject." Thus, McCarthy writes:

> Habermas once criticized Marx for succumbing to the illusion of rigorous science and traced a number of Marxism's historical problems with political practice to this source. The question I have wanted to pose here is whether, in flirting with systems theory, he does not run the danger of being seduced by the same illusion in more modern dress. (180)

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By investing so heavily in the stock of systems theory Habermas imperils the solvency of action-oriented political theory and concrete sociopolitical praxis. Although the goal of communicative rationality, according to Habermas, is to recouple the lifeworld and systems theory, in the end the hermeneutics of participant self-understanding that stimulates the economy of the lifeworld is sacrificed to the conceptual reconstruction of systems theory. The hermeneutics that Habermas still found to be useful, and which he sought to reclaim in his exploration of the terrain of the lifeworld, is ultimately swallowed by a cybernetics of systems mapping.

The implications of this for our political life, as McCarthy is quick to point out, are not at all happy ones. First and foremost, they lead to an inadequate account of actually existing political organizations. They prejudge the concrete interactions and associations of political life as mandated by systems imperatives and systems integration rather than by action-oriented social practices and procedures. But this tends to undo democracy as a political process of deliberation and self-determination, equality of representation, and collaborative decision-making. "If self-determination, political equality, and the participation of citizens in decision-making processes are the hallmark of true democracy, then a democratic government could not be a political system in Habermas's sense" (170).

It all pretty much boils down to the question of the status and role of communication in adjudicating matters in the body politic. According to Habermas, the resources for societal integration and for managing political institutions are to be supplied by a communicative rationality oriented toward the achievement of consensus. As is well known, it is precisely this telos that is the storm center in the recent debate between Habermas and Jean-François Lyotard. Whereas Habermas professes the end of discourse to be consensus, Lyotard insists that the end of discourse is dissensus. This is clearly one of the more volatile issues in the current modernism versus postmodernism dispute.

Although the polemical exchange between Habermas and Lyotard on the proper placement of consensus and dissensus has its exciting moments, it eventually induces a certain wearisomeness because the key terms at issue themselves remain so troublesome. "Dissensus" for Lyotard signifies incommensurability, impossibility of litigation, war on totality, encounter with the "*différend*," and no doubt more—all of which indicate a rather profound indictment of the claims of reason for ordering our political life. "Consensus" for Habermas is situated at the opposite pole and defines a solidarity grounded in the constraints of validity claims, backed up by the better argument and the force of good reasons. More than simply a regulative ideal, consensus is a constitutive presupposition of rational, argu-

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mentative discourse. It is the end of discourse because it is already there at the beginning. Without the constraints of validity claims and the efficacy of good reasons, any efforts to persuade others would lose their sense and there would be no sheet anchors against violence, coercion, and manipulation.

Now it is these appeals to "good reasons" and "the better argument" that very much beg the question, for what we are to understand by such appeals remains distressingly vague. We are informed that these are not appeals for *compromise*. Compromise, for Habermas, remains at most a second-best alternative. Compromise is *strategically* rather than *communicatively* motivated. It is based simply on maximizing self-interest. It lacks the solidarity of a universal sense of justice that follows only in the wake of a recognition of the force of validity claims. The very conditions of communicative rationality dictate the requirement of consensus rather than compromise.

At this juncture McCarthy asks the right questions and proposes a feasible alternative. "We have to modulate the idea of rationally motivated agreement beyond Habermas's basic distinction between strategically motivated compromise of interests and argumentatively achieved consensus on validity" (196). Habermas's sharp contrast between strategically motivated compromise and rational consensus does not exhaust the possibilities. One might achieve a species of solidarity through cooperation on the basis of an *agreement to live in harmony in spite of disagreements about the common good*. Even in situations where one party is disposed to take a strong moral stand on a very controversial issue (abortion is the example that McCarthy provides), producing an apparently intractable disagreement, the parties in the dispute could remain rationally motivated to consent to the law that prevails even though they consider the law to be unjust, satisfied in knowing that they will be able to come back to fight another day and perhaps muster the resources to turn things around. The long and the short of it is that Habermas's model of communicative rationality is simply too dense and rigid to serve as an imperative for practical political discourse.

Transversal versus Universal Rationality

We are now in a position to offer a consummatory assessment of *Ideals and Illusions* and suggest ways to continue discussing the important issues McCarthy's book brings to the fore. His critique of the deconstructive turn and his critical evaluation of Habermas's reconstructive response impress me as being squarely on target. He has a knack for proceeding straightaway to the central issues, and he is able to consolidate a variegated

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literature and a diversity of perspectives in doing so. His reclamation of Kant's doctrine of critical reason to reconstruct the designs and goals of critical theory is also skillful. Resituating rationality in the aftermath of deconstruction is the task at hand.

However, while McCarthy has marked out a promising path for further explorations of the topic, he tends to recoil from some of his more penetrating insights and arguments. This may be due in part to his heavy indebtedness to the Kantian project of critical reason, which carries with it such considerable investments in *Erkenntnistheorie* (epistemology) and its principles of justification. Such at least seems to be the case in the sustained critique of deconstruction in Part I of McCarthy's book.

Although I have profound sympathies with his effort to combat relativism and the suffocation of thought in the purely local and historically specific—which does appear to be the end result in certain deconstructionist circles—he is prone to make exaggerated epistemic claims in the process of doing so. More specifically, I find his appeals to "context-transcending notions of truth" and "unconditioned truth" unnecessary to save the resources of critique. Rorty's heavy accentuation of contextuality and contingency does indeed seem to leave us with nothing other than local narratives about our discursive and social practices, inviting conventionalism and conservatism. But in attacking Rorty's view, McCarthy buys back into the very universalism that he purported to deconstruct.

Thus, McCarthy argues that "context-transcendence" and "unconditioned truth" are indispensable conditions for social criticism. I agree that a standpoint for critique needs to be secured, but I remain unpersuaded that this requires that we step outside the interplay of contextualized and conditioned beliefs and practices. Criticism achieves its efficacy *within* the panoply of discursive and institutional practices because it is itself a praxis. It is a praxis through which the linkages and disjunctions among the various configurations of thought and action that define our historical situatedness are recognized and evaluated in an ongoing process of comparison, contrast, discernment of similarities and differences, and tracing of practical consequences. To achieve this one need not step outside of one's local context, intent upon attaining a transcendental, universal, and unconditioned standpoint. The resources for criticism reside in our ability to shuttle back and forth between received beliefs, points of view, theories, and institutional practices—testing each against the putative merits of the other—without settling on any particular one of them as the untarnished truth of the matter.

To clarify the dynamics of critique that is being proposed here, let me distinguish between "context-conditioned" (or "context-informed") and "context-determined." To say that a configuration of thought or action is

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conditioned or informed by its context is not to make the claim that it is *determined* by its context. Thought and action are not contextually necessitated or straight-jacketed, determined by causal or quasi-causal forces impinging upon them. Thought displays a reflexivity that enables it to move both *within* and *across* particularized contexts without appeals to a transcendence of context per se that would garner some unconditioned truth. Our notion of reflexivity across particularized contexts enables us to grant an intelligibility to the *trans-historical*, allowing us to avoid the choice between being determined by the particularity of the local (historicist relativism) on the one hand, and appealing ahistorically to universal and unconditioned validity and truth (anti-historicist absolutism) on the other.

It strikes me that McCarthy has been unduly frightened by the postmodern discourse on contextuality and contingency. If we keep in mind our distinction between "context-conditoned" and "context-determined," and the trans-historical alternative to the historically determined and the ahistorical, then we can avoid the postmodernist lapse into conventionalism and relativism without appealing to "unconditioned truth" and the transcendence of context per se. But apparently McCarthy is not willing to let go of the requirements for unconditionality and moving beyond context when it comes to matters of truth. Although the support for such requirements is never spelled out in detail, we do learn that it involves certain foundationalist presuppositions pertaining to the grounding of validity claims. For example, contra Rorty, McCarthy asserts that "it is not *because* we agree that we hold a claim to be valid, we agree because we have grounds for granting its validity" (19).

Admittedly, simple agreement does not provide warrant for the assertibility of a particular claim. This would be conventionalism in its most naïve guise. But an assent to McCarthy's lead-in clause does not propel us unproblematically to his follow-up clause, namely that "we agree because we have grounds for granting its validity"—at least not until such time as one has clarified the sense of "validity" and the "grounds" for granting it.

The specter that lurks in the background of McCarthy's appeals to validity and grounding appears to be a criteriological conception of rationality that is able to specify *in advance* the grounds for truth claims about this and that. But such determination *beforehand* of what is to count as knowledge is precisely the bugbear that has traveled with *Erkenntnistheorie* since its inception. If claims of reason are grounded on truth conditions that antedate our agreed-upon beliefs and practices, then we have combatted conventionalism only at the expense of having taken flight from our contextualized and contingent socio-historical situatedness. There is an alternative to the choice between conventionalism and a foun-

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dationalist theory of validity that seeks a ground for claims of reason *before* the search for understanding and explanation beings. One may indeed be motivated to make appeals beyond received opinions—call them appeals to validity, truth, or whatever. But one also needs to acknowledge the socio-historical factors at work in the determination of validity and truth.

Assertibility on the basis of agreement, garnered through an inspection of what others permit us to say, may be fine for starters. But along with McCarthy we demand more. We demand *warranted* assertibility. The warrants for what we say and do, however, reside not in ahistorical truth conditions that specify criteria of validation in advance. They arise, rather, from the *practice* of criticism in our quotidian existence, in the rhetorical exchanges of everyday life, in the dynamics of our communicative discourse and action. Critique as an engagement of praxis, rather than a standpoint of theory, need not wait for a set of necessary and sufficient conditions to swoop down from on high or for criteria in the form of antecedentally specified rules. In critique as a praxis-oriented project, criteria for judgment and evaluation *emerge from* the dynamics of communicative discourse and action. They do not function as preconditions for it. It is not that there are no criteria; it is rather that criteria are called into being through the dynamics of an ongoing struggle for communication and understanding. This itself, however, suffices for the evaluation of any given set of beliefs and conventions. It delivers us from a hermeneutical anarchy in which all interpretations and perspectives have an equal claim to thrive. Critique remains context-conditoned but it is never context-determined. It allows for an examination, discernment, redescription, and evaluation of varying modes of thought and forms of life within our culture and across its boundaries.

Transversality opens a passage between the Scylla of a priori, universal truth conditions and the Charybdis of a criteria-bereft conventionalism and relativism. The concept/metaphor of transversality supplies the dynamics for a convergence of beliefs and practices short of achieving coincidence within either of them. Contra the anti-logos tendencies of postmodernism, which court an abandonment of the claims of reason and an invitation to a rampant relativism, I submit that there are criteria for our judgments about the better and worse argument and the more desirable and the less desirable course of action. But these criteria issue from a transversal, not a universal logos.[2]

Fleshing out the dynamics of the transversal logos engenders a recognition of the other. McCarthy's criticisms of Derrida for restricting the space of otherness allow us to recognize that an encounter, a confrontation, with that which is other—be it the other self, the other text, the other interpretation, the other institution, the other culture, etc.—can mutually deepen

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and enrich the understanding of self and other. This transversally rational alterity is not reducible to a disenfranchised and excluded other, nor to a more global "other than reason." It is rather a multi-faceted alterity that admits of both ontological and normative distinctions.

Otherness as an indelible feature of our finitude can admittedly find expression in the negativity of alienation and in the rupture of communication; but it can also elicit responses that lead to communicative understanding and cooperative endeavors in spite of conflicts of interpretation and divergent ways of life. The struggle for rationality is the struggle of transversal communication for understanding self and other in spite of the play of difference within our personal and social existence. For as McCarthy has persuasively argued, we need to maneuver our way between Habermas's alternatives of either simple compromise or universally validated consensus.

NOTES

1. Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge, Mass.: MIT Press, 1978).
2. For a development of transversal rationality, see my *The Resources of Rationality: A Response to the Postmodern Challenge* (Bloomington: Indiana University Press, 1992).

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Carl Rapp

THE CRISIS OF REASON IN CONTEMPORARY THOUGHT: SOME REFLECTIONS ON THE ARGUMENTS OF POSTMODERNISM

Many recent thinkers imagine that a new way of life, or a new kind of thinking, is beginning to unfold on the basis of the discovery that reason is an outmoded concept and that the projects of Western philosophy are defunct. Postmodernist thinkers, in particular, have tried to describe the way things look from a post-philosophical, post-rational point of view. Jean-François Lyotard's The Postmodern Condition *argues against the possibility of a comprehensive understanding of contemporary social and intellectual activities, while most of the essays in* Literature and the Question of Philosophy *(ed. Anthony J. Cascardi) also reject the idea that there can be a valid comprehension of the elements found in textual or in ethical and political phenomena. Yet in every instance, the effort to establish a post-philosophical, post-rational way of looking at things involves an unwitting exercise of the rational power to conceive of a situation in terms of the relative disposition of its elements. Further-*

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more, the themes and ideas of post-philosophy can be shown to have originated within the two grand narratives of modern philosophy (the emancipatory and the speculative narratives) that Lyotard has incorrectly pronounced passé. Postmodernism's confusion about itself shows the continuing relevance of Hegel's concept of Reason.

> I am willing to have a maximum of "relativity," but I wonder if they have ever considered that if "relative" systems have no connexion, and no common object, each is *absolute*: and if they have a common object, or form a connected group of perspectives, then they are only relative views, like optical illusions, and the universe is not ambiguous in its true form.
>
> —*Santayana*

What is the crisis of reason in contemporary thought? Surely it must have something to do with the belief, shared by many intellectuals, that reason has shown itself incapable of carrying out the tasks formerly expected of it: the task of building up a coherent view of things as they really are, and then the task of working out the ethical and political consequences of things as they really are. Nowadays, it is widely assumed that thought cannot perform these tasks, under the guise of reason or under any other guise. Many of us have come to suspect that reason's goals have always been unattainable, that they are a mere reflection of reason's hubris. The fact that we do not seem to have a coherent view of things as they really are is obviously explained by the fact that, outside of reason's dream, there are no "things as they really are." To suppose otherwise would presumably be naïve. Here we see the first stage of the crisis. As a result of making the discovery that reason is not only a constituting power but also a constituted product (which can be taken to mean that it is both a fabrication and a source of fabrication), the projects entertained by reason no longer seem to be viable. The second stage of the crisis comes when it dawns on us that, like it or not, we are still faced with the necessity of having some sort of sense of ourselves and the world we live in. If philosophy in the grand manner is no longer possible now that its engine, reason, has been exploded, then some sort of post-philosophical thinking will have to take its place, and the question is, What will this thinking look like and how will it proceed?

This is what I take to be the crisis of reason. In some versions of the story, this crisis is supposed to have been brought on by the Enlightenment. Accordingly, the eighteenth century is often depicted as the time when reason reared itself up to its full height in order to contemplate the conquest of ignorance and superstition through an endless expansion of knowledge and the freedom that comes from knowledge. Trouble set in only when reason started taking a closer look at itself. In attempting to

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clarify reason's procedures, Kant succeeded paradoxically in paving the way, first, for the extravagant claims of the German idealists and, then, for the obliteration of those claims by subsequent thinkers. In the nineteenth century, Marx and Nietzsche seem to show that reason is interested or biased, because it is rooted in, and apparently shaped by, conditions of which it is unconscious or towards which it refuses to be properly deferential. In the twentieth century, such impressive thinkers as Freud, Wittgenstein, Heidegger, and Derrida continue to investigate the way in which seemingly rational thought is blind to its own irrational or prerational underpinnings. The result is that the Enlightenment's vision of a modern world based on reason has given way to our own, more advanced vision of a postmodern world based on the critique of reason.

In recent years, many books have been written which assume that the crisis of reason, as I have just described it, is simply a fact of life. Sometimes these books elucidate what I call the first stage of the crisis; that is, they rehearse the various arguments that have been used to diminish reason's pretensions. Sometimes, however, they proceed to the second stage by attempting to describe what is now in store for us as a result of our having become aware of these pretensions. I shall examine two books that belong predominantly to the second category. The first is a book by Jean-François Lyotard called *The Postmodern Condition* (Minneapolis: University of Minnesota Press, 1984); the second is a collection of essays, edited by Anthony J. Cascardi, entitled *Literature and the Question of Philosophy* (Baltimore: The Johns Hopkins University Press, 1987). These two books, for the most part, take it for granted that speculative philosophy has become obsolete. However, in trying to get on with the further business of describing what is to come next, they show themselves to be enmeshed in just this philosophy. More specifically, they reveal that the two philosophical narratives which Lyotard relegates to the Enlightenment and to German idealism are still very much alive, even in the arguments of those who imagine themselves to be, as Lyotard would have it, incredulous toward them. Thus, in spite of itself, the critique of reason manifested in these books ends up looking like a vindication of reason, with the result that the "crisis of reason" narrative itself, as I have just outlined it, begins to appear dubious.

Lyotard's Anti-Narrative Narrative

Lyotard's *The Postmodern Condition* may be described as an attempt to explain the evolution of contemporary society in terms of the relative fortunes or destinies of two basically different kinds of knowledge: narrative knowledge and scientific knowledge. Before the rise of Western sci-

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ence, all cultures everywhere understood themselves through myths, fables, and legends. That is to say, they understood themselves in terms of stories or narratives. These narratives were not regarded by the cultures that produced them as standing in need of proof or verification. By nature, they were formulaic or ritualistic, and their validity as knowledge was determined, not by their correspondence to the facts, but by their correspondence to the forms and rituals associated with their transmission. In this way, according to Lyotard, they were self-validating or self-legitimating.

But then science came on the scene, with the demand that everything be proven or demonstrated. Science made knowledge a matter of inquiry and, from the very beginning, passed judgment against the customary or traditional knowledge contained in narrative. "The scientist," writes Lyotard, "questions the validity of narrative statements and concludes that they are never subject to verification or proof. He classifies them as belonging to a different mentality: savage, primitive, underdeveloped, backward, alienated, composed of opinions, customs, authority, prejudice, ignorance, ideology" (Lyotard 27). Thus the rise of scientific knowledge would seem to require a corresponding decline of narrative knowledge. Such a decline does occur, at least with respect to the narratives associated with the prescientific era.

But then a curious thing happens. In order to validate itself, science "produces a discourse of legitimation with respect to its own status, a discourse called philosophy" (xxiii) which is itself essentially narrative in nature rather than scientific. As Lyotard puts it, "scientific knowledge cannot know and make known that it is the true knowledge without resorting to the other, narrative, kind of knowledge, which from its point of view is no knowledge at all" (29). In Plato, for example, scientific discussions are situated inside stories which are "more closely related to tragedy than epic," while in Descartes the legitimacy of science is demonstrated "in a *Bildungsroman*, which is what the *Discourse on Method* amounts to" (*ibid.*).

Since Descartes's time, the philosophical justification of science has taken the form of two different narratives. The first, which Lyotard calls the emancipation narrative, is a product of the Enlightenment. It views science as an instrument for liberating humankind from the compulsions of ignorance and superstition. The second, which Lyotard calls the speculative narrative, is a product of German idealism, and it focuses on the liberation of thought itself through the progress of scientific investigation and reflection.

These two narratives justify science, but they are not themselves justifiable by science. Each in its own way tries to situate science in terms of a

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metadiscourse which is incompatible with scientific discourse. By the end of the nineteenth century, the full extent of this incompatibility began to be appreciated by most serious thinkers, and the effort to ground science by such extra-scientific means was abandoned. Nowadays the sciences are permitted to go their own separate ways according to their own separate logics, and it is no longer felt to be necessary or even possible to synthesize them by incorporating them within the schemes of the Enlightenment *philosophes* or the German idealists. According to Lyotard, one of the chief characteristics of postmodern thinking is that it is incredulous towards the metanarratives associated with these schemes. The only thing that now justifies science is its own performative power; it has become self-legitimating by virtue of its undeniable ability to produce new knowledge. Instead of conceiving itself in terms of the role it may be thought to play within a larger drama, it now conceives itself as a multiplicity of language games, each governed by its own set of rules. Thus there is no way to impose upon them the authority of a higher reason. Each of the games is subject to its own immanent logic, which can evolve or mutate in ways that are unpredictable and, therefore, nonrectifiable. There was a time, says Lyotard, when this situation seemed alarming, especially to those who still had a hankering for the moribund projects of philosophy. But the decline of these projects has coincided with an explosion of progress in the sciences, and thus it is better for science, in the long run, that things should have taken this particular turn.

There is still, however, one obstacle to the perfect autonomy of scientific knowledge, and that, ironically, is an obstacle for which science itself is partly responsible. Because its researches have had powerful technological implications, science has, ever since the Industrial Revolution, been allied with, and indeed dependent upon, the forces of capitalist production. The material progress of society makes possible the further progress of the sciences by means of large-scale funding, while, at the same time, the progress of the sciences makes possible the material progress of society. The two kinds of progress have become locked into a single system, wherein success is measured by the criterion of performativity. Society's capacity to meet the needs of science depends upon science's capacity to meet the needs of society, and vice versa. The result is that science runs the risk of being dictated to by the state bureaucracy, whose function it is to supervise the efficiency of the total system. Planners and decision makers, with the well-meaning intention of getting science to achieve maximum output, are thus in a position to establish goals for science—not long-range teleological goals such as the old philosophers envisioned, but immediate practical goals more in keeping with the projects that science itself has envisioned. In controlling science, society spreads scientific crite-

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ria to all spheres; a systems approach to all the problems of social organization, and indeed to every aspect of our lives, seems to be the inevitable outcome of the triumph of scientific knowledge over, first, traditional knowledge and, then, over philosophical knowledge.

Productivity and performativity, because of their close association with the only valid form of knowledge, establish a standard of meaningfulness by which to judge everything that goes on in society. Everything that does not function in some way in building up the power made possible by science can be deemed meaningless and, in fact, is likely to be eliminated in society's quest for greater and greater performativity. The computerization of society, which Lyotard discusses at the beginning of his book, fits very nicely into this scenario. Conformity to the processes involved in the storage and retrieval of information from computer data banks will henceforth be required of everyone who wishes to have a position in the vast system of information exchanges that will dominate future social activity. It seems almost like a nightmare come true, with science calling the shots for everybody and the state calling the shots for science. As Lyotard candidly admits on the last page, the computerization of society "could become the 'dream' instrument of controlling and regulating the market system, extended to include knowledge itself and governed exclusively by the performativity principle" (67).

There is no doubt that Lyotard finds this an appalling possibility. He imagines, however, that it can be averted, not by trying to reinstate the authority of the old narrative knowledge (which would be futile) but by paying closer attention to the most recent developments in science, which are conspiring to undermine the deterministic model that systems theory seeks to impose upon us. As Lyotard puts it, "the pragmatics of postmodern scientific knowledge per se has little affinity with the quest for performativity" (54), for in dealing with a new variety of indeterminate phenomena, science has had to revise its own expectations so as to accommodate itself to "undecidables, the limits of precise control, conflicts characterized by incomplete information, '*fracta*,' catastrophes, and pragmatic paradoxes" (60). A systems approach to science is based on the supposition that science is a stable, predictable method of describing a reality that is similarly stable and predictable. In fact, however, as soon as science finds itself confronted with situations that are unstable and unpredictable, its own evolution becomes "discontinuous, catastrophic, nonrectifiable, and paradoxical" (60), so that a systems approach cannot be applied to it. Indeed, according to Lyotard, a careful study of postmodern science will show that "its pragmatics provides the antimodel of a stable system" (64). Dissension and novelty, not predictability, are the very essence of it. To the extent, then, that it places a premium on the invention of new moves

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and even brand new games, "contemporary science excludes the possibility of using [the paradigm of a stable system] to describe society" (61). It rules out conformity, and it rules in imagination. Thus, if science is to continue, a totally efficient, highly centralized state—the state conceived as an ecosystem or as a perpetual motion machine—will have to permit the existence of a certain amount of freedom in its brain cells or think tanks. In the context of a fully computerized society, it is even possible to imagine (as Lyotard tries to do) that, if the public is given free access to the memory and data banks, freedom will be maximized through massive exchanges of information. For then every language game would be open to every person, and all the games would be "games of perfect information at any given moment." The generation of new moves and new games could go on forever, since "the reserve of knowledge—language's reserve of possible utterances—is inexhaustible" (67). In this way, the alternative to Western philosophy is not the nightmare of Big Science. It is the prospect of being invited to participate in the exciting little dramas of endless language games.

What is one to make of all this? One hardly knows where to begin. Perhaps the first thing to say about this book is that it is itself, most obviously, a master-narrative, and, as such, it represents exactly the kind of knowledge that is now supposed to be meaningless. This, I take it, is a very bad form of self-contradiction. It makes me feel incredulous toward Lyotard's whole argument, which, of course, he himself says is the right response when one finds oneself in the presence of a grand philosophical narrative. But I feel incredulous, not because it *is* such a narrative, but because Lyotard doesn't seem to know that it is, or because he doesn't seem to care that the fact that it is means that something must be wrong with the thesis that such things are obsolete. As one reads along, one gets the uncanny feeling that the author of *The Postmodern Condition* has found, at least in principle, exactly the right kind of discourse for situating and interpreting all the things he is talking about, but, at the same time, it is also clear that he is declaring this very discourse an impossibility. The existence of such a discourse does not, I think, require us to accept each and every thesis which happens to be embedded in it. But the acceptance of this particular thesis does mean that we cannot accept the existence of the discourse that produced it. As a consequence, the status of the thesis becomes radically ambiguous.

Consider, for a moment, the claim on which Lyotard's whole argument turns: that there is a fundamental difference between narrative knowledge and scientific knowledge. This distinction is what prompts the author to declare that there is an *essential* incompatibility between prescientific thinking and scientific thinking, just as there is an *essential* incompatibility

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between philosophical thinking and scientific thinking. The language games of science and narrative have different sets of rules, and, since they are structured differently, they are incommensurate with each other. That is why, according to Lyotard, "science has always been in conflict with narratives" (xxiii). It is not that science has come to a different set of conclusions; it is that science and narrative operate according to different sets of pragmatics. Lyotard puts it this way:

> Drawing a parallel between science and nonscientific (narrative) knowledge helps us understand, or at least sense, that the former's existence is no more—and no less—necessary than the latter's. Both are composed of sets of statements; the statements are "moves" made by the players within the framework of generally applicable rules; these rules are specific to each kind of knowledge, and the "moves" judged to be "good" in one cannot be of the same type as those judged "good" in another, unless it happens that way by chance.
>
> It is therefore impossible to judge the existence or validity of narrative knowledge on the basis of scientific knowledge and vice versa: the relevant criteria are different. All we can do is gaze in wonderment at the diversity of discursive species, just as we do at the diversity of plant or animal species. (26)

As soon as we read this, we feel prompted to ask, What is the species of Lyotard's own discourse? Since science and narrative are being presented throughout the entire book as the two fundamental thought forms, we would like to know whether he is writing from the point of view of science or the point of view of narrative. If *The Postmodern Condition* is a work of science, then it seems unfortunate that Lyotard claims that it is impossible to judge either the existence or the validity of narrative knowledge on the basis of scientific knowledge. On the other hand, if the book is a work of narrative, it seems equally unfortunate for its author to admit that narrative knowledge is characterized by an "incomprehension of the problems of scientific discourse" (27). If science can't comprehend narrative and narrative can't comprehend science, but Lyotard's book can comprehend both of these things well enough to pronounce upon their incompatibility, it must be that Lyotard has found some third kind of discourse. It appears, in fact, that he has somehow managed to combine the two fundamental thought forms. To have understood that these forms can be brought into relation by means of an analysis of them as language games, to have reduced them to this common principle, is to have made a scientific analysis of them. Alternatively, to explain the past, present, and future of Western culture in terms of the unfolding of these forms, or in terms of their encounters with each other, is to indulge in what Lyotard himself refers to as a master- or metanarrative. It seems that, somehow, Lyotard

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has managed to synthesize the incompatible language games, which is more than just to gaze in wonderment at their diversity. The truth is, he is practicing philosophy.

What Lyotard's narrative has done is to blend together the two philosophical narratives that are supposed to be defunct: the emancipation narrative and the speculative narrative. No reader can fail to observe that the question of whether science is liberating or enslaving us is constantly being raised; indeed, it looms over the whole discussion. In Lyotard's eyes, all language games have an equal right to exist. In contrast, according to Lyotard, Western science is typically intolerant of other forms of knowledge. When it encounters traditional or customary knowledge, it pronounces such knowledge backward and stupid. And, since the Enlightenment narrative of emancipation carries with it the implication that only *valid* knowledge can make us free, its effect has been to accelerate the process whereby "the traditional knowledge of peoples" has been destroyed. In a sense, then, to contemplate science is to contemplate "the entire history of cultural imperialism from the dawn of Western civilization" (27). Eventually, science turns a deaf ear even on philosophical narratives, pronouncing them no less backward than the others. At approximately the same time, the situation has been reached wherein science begins to function as "a force of production" or as "a moment in the circulation of capital" (45). When this happens, the performance criterion of science becomes intertwined with that of the state, and the process whereby knowledge gets converted into power and power gets converted into knowledge comes under the supervision of planners and decision makers unduly impressed by systems theory.

The story thus far seems to suggest that, with respect to the interests of emancipation, science has been villainous rather than heroic. But, just when things look darkest, it turns out that the most advanced science of all—postmodern science—encourages us to be adventurous instead of rule bound, and provides us with the antimodel of a stable system, according to which diversity and dissension are preeminently valuable, not conformity and consensus. In short, science is our friend after all. In its innermost workings, it inaugurates not a methodical determinism, but rather a smiling pluralism. It sympathizes with all language games, not just one. It bids a thousand flowers to bloom. In fact, if the state will only take to its heart the implications that naturally follow from the antimodel of a stable system, especially the one about how helpful it will be to "give the public free access" to all its data banks, every citizen will be placed in a position to make "knowledgeable decisions" on a scale hitherto unprecedented, thereby enjoying a freedom of opportunity equally unprecedented. But surely this is precisely the goal envisioned by the emancipation narrative,

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which Lyotard relegates to the Enlightenment period, but which his own narrative cannot help but recapitulate.

The other narrative—the speculative narrative—is likewise recapitulated in Lyotard's discourse. It manifests itself in a number of ways. For one, it is clear that the whole story is a description of the process whereby thought has become more and more conscious of itself. Originally, language game activity was perfectly unselfconscious, and the principles of the games were not at all clear to their practitioners. In proclaiming the old narrative knowledge to be mythic or fabulous, the new scientific knowledge did, in fact, understand something about the narratives that they themselves could not understand. In this respect, an advance was made. But comprehension was still inadequate to the extent that, in its early phases, science falsely supposed itself to be benefitted by the narrative grounding of philosophy, while, for its part, philosophy did not understand that it too would eventually be scrapped by science. Thus a new stage of awareness was reached when the uselessness of philosophy's grounding activity began to sink in and philosophy could be sloughed off, leaving science all by itself, the only game in town. The whole story thus far is the story of a gradually deepening realization of the consequences attendant upon the incompatibility of science and narrative. Then suddenly, in our own time, a climax is reached. The conflict of the language games comes to an end because finally the principle of that conflict is completely grasped: the games begin to be perceived *as games*. It is at this point that thought finally grasps itself in its true form. Suddenly, everything can be reconceived or redescribed. The history of thought can now be properly reinterpreted as the history of language game activity. All the old disputes take on a new meaning. In addition, now that thought is conscious of its own underlying principles, it has nothing to fear from the prospect of a plurality of games. Even if the games should mutate or evolve into quite different forms of language game activity, there would be no cause for alarm, because thought is now in a position to comprehend such developments. Under the patient, watchful eye of the language game umpire (who, in Lyotard's discourse, takes over the role of the speculative philosopher), every game is invited to prosper exactly to the extent that it accepts its status as a game and does not seek to interfere with other games—except perhaps by merging with them according to proper game procedures. In this way, thought's perfect self-awareness may be seen to coincide with the completest possible realization of the principle of freedom. The emancipation narrative becomes congruent with the speculative narrative, and both narratives achieve the status of incarnate fact, despite Lyotard's belief that he is being incredulous toward them.

But suppose we ignore for a moment the narrative component in

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Lyotard's book. It ought still to be obvious that the thought which has gone into the book is speculative in its nature. It is speculative in the sense that its ambition is to understand why it is that the fundamental thought forms *are* heteromorphic or heterogeneous. To regard these forms as instances of language game activity is, of course, to have found their common measure. To be able to account for the conflicts and misunderstandings which have marked their histories is, of course, to have achieved a single, overarching explanation of them, in the fashion of what the German idealists called speculative philosophy. The knowledge that language games are "subject to heterogeneous sets of pragmatic rules" (65) comes, not from *playing* the games according to these rules, but from *watching* them in detachment and noting their similarities and differences. To be able to pass in review the games of "customary" knowledge, the games of "modern" science, the games of philosophical knowledge, and finally the games of "postmodern" science, noticing in the process that each of these sets of games is characterized by its own particular purposes and strategies, is to be free of the constraints imposed by just these purposes and strategies. In fact, it is to be engaged in an exercise of what Hegel calls Reason.

Reason is not, for Hegel, a bland account of the way in which all thought projects are consistent with each other on their own terms. Nor is it an effort to dictate in advance the procedures to be followed by the various departments of scientific inquiry so as to predetermine the harmoniousness of their results. Rather it is an after-the-fact meditation, which focuses with special intensity on the conflicts and contradictions exhibited by thought projects in their natural habitats, or, in other words, when they are left alone to pursue their own particular ends. Like Lyotard, Hegel knows that thought has evolved and that, in doing so, it has taken different shapes with implications that are self-contradictory or mutually exclusive. Unlike Lyotard, he also knows that the thought that comprehends this fact has already engaged in an act of synthesis that is not within the province of any of the shapes or forms it is contemplating. Philosophy, conceived as the knowledge of knowledge, *is* possible for Hegel, because for him it *is* possible for Reason to assess the antinomies generated by the Understanding. Similarly, philosophy in exactly the same sense *is* possible for Lyotard (even though he fails to see that it is), because clearly he *can* synthesize contemporary thought in such a way as to show that it exhibits a characteristic tendency to be sensitive to the antinomies generated by the latest science. And notice, he can do this despite the fact that the materials of his synthesis are supposed to have originated in language games that are heteromorphous. The more we hear about how these games are impervi-

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ous to each other, the more impressed we ought to be by the power of Reason, regardless of Lyotard's disclaimers.

Privileging Literature

Having discovered that the *The Postmodern Condition* is self-contradictory to the extent that it both practices philosophy and denies the possibility of philosophy, what is one to do? Which part of the book deserves to be saved? Should one say that there is proof enough that philosophy can still be done in the fact that Lyotard himself is still doing it, apparently without realizing it? Or, alternatively, should one hold fast to Lyotard's thesis about philosophy and, on the basis of that thesis, start looking for those aspects of his own discourse which are philosophical by nature and, therefore, quite properly the object of suspicion or incredulity? Many thinkers nowadays would opt, I think, for the second alternative. According to this point of view, the trouble with a book like *The Postmodern Condition* is not that its vision is wrong. After all, it does make an effort to show that both thought and reality (in our latest concepts of them) are intrinsically indeterminate or inherently unstable and, therefore, nonrectifiable in terms of any explanation that tries to pass itself off as the emanation of a higher Reason. This—the content of its vision—is perfectly acceptable. The trouble is that, if things really are incoherent or unstable or indeterminate in their implications, then a powerfully explanatory, deeply coherent overview of things, which is capable of describing the thought forms in their determinate natures as well as in their historical relations, seems rather embarrassing. If philosophical overviews could be shown not to have eluded the universal instability or incoherence or indeterminancy or relativity that we now know to be inherent in our thinking about reality (or, indeed, in reality itself), all would be well. If philosophy itself could be analyzed in such a way as to reveal in the very nature of its discourse the same kinds of phenomena postmodern science focuses on in its investigations—things like "undecidables, the limits of precise control, conflicts characterized by incomplete information, '*fracta*,' catastrophes, and pragmatic paradoxes"—then the presence of rational argument in a philosophical text could be exposed as a mere pretension or, more precisely, as an illusion. This, I think, is a sort of underlying premise of the other book I have mentioned, the essay collection entitled *Literature and the Question of Philosophy*.

Professor Cascardi, who edits this volume, is doubtless correct when he refers to himself and the twelve other contributors as "thirteen disparate voices" whose work "precludes ideological summary" (Cascardi ix). Nevertheless, he tips the scale just a bit in the direction of a lurking agenda

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when he states that the reason for interrogating philosophy's relation to literature is that "philosophy is itself unable to produce a coherent theory of the differences that separate it from literature" (x). Most of the essayists, though not all of them, manage to convey the impression that they regard philosophy as though it were somehow illegitimate, as though it were a sort of usurping tyrant whose claims to authority over other modes of discourse have been found out. We may infer from the title of the book that literature is going to be treated as a given, without need of foundation or justification, whereas, with respect to philosophy, there is a question, a problem. Gradually, and in spite of individual differences in tone and doctrine, it becomes clear that, for the most part, a case *is* being made out against philosophy. From Plato to at least Hegel, so the argument runs, philosophy has tried to bully us into accepting certain methods and dogmas, without being in a position to pay due attention to the subtle processes that account for methods and dogmas. Fortunately, with the help of various anti-philosophers or post-philosophers dating from about the time of Nietzsche, we are now able to give these processes the recognition they deserve. For instance, we now know that philosophy could never become what it always wanted to be or imagined itself to be, namely, a mode of knowledge capable of transcending its own linguistic and/or experiential contexts. On the contrary, we now can see that these contexts are a fundamental reality of far greater significance than the conceptual chimeras they gave rise to. This being the case, philosophy's traditional preoccupations may be exposed as exercises in self-deception, the cure for which is to be found in the frequent demonstration of philosophy's containment within the matrix of literature. Thus, while it used to be that philosophers passed judgment on poets and fiction makers, post-philosophers now find themselves in a position to detect poetry and fiction making in philosophy itself. As a result, philosophy's stock is coming down in value, while literature's stock is going up. This, or something like this, is what the majority of Cascardi's contributors either take for granted or else seek to prove.

The proof, when it comes, often takes the form of a deconstruction which purports to show that a classic philosophical text can be seen to contain, within its own verbal materials, a host of implications, some of which must needs interfere with what is usually taken to be the text's main drift. The point, apparently, is to show that reason, even when it seems most at home in the writings of its principal defenders, is inevitably compromised by the indeterminacies or ambiguities inherent in the very nature of textuality. (Three of Cascardi's contributors—Dalia Judovitz, Peter McCormick, and Harry Berger, Jr.—try to show this using texts by Kant, Plato, and Descartes.)

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One way of responding to these deconstructions might be to observe that the "argument" of a text and the "text" of an argument cannot properly conflict with each other, since each of these things is a phenomenon which makes its appearance as a result of gestalting the same verbal object in a different way. A microscopic scrutiny of what a deconstructor regards as the "literary" level of a text—a review of its component figures of speech, for example—constitutes one way of gestalting this object, but so does the perception, on a different level, of what is meant by the term "argument." The perception of an argument depends upon construing a text in terms of what it may be taken to mean as a whole. The perception of a text's materials or literary devices depends upon construing a text in terms of what its component parts may be taken to mean, considered in themselves and without regard to context. Each perception has its own validity, and each is equally the product of an interpretation. The danger lies in supposing that an argument is simply made up or foisted off on a text, whereas textual materials are really there, waiting to be discovered. The truth is that the analysis of the import of the materials of a text is no more (and no less) a rational construction than is the analysis of a text's argument.

If rational construction is itself disallowed, textual materials will become just as invisible as textual arguments. On the other hand, if it is permitted, then the existence of a design or pattern which may be supposed to govern the whole of a text is no more difficult to establish than the existence of those lesser patterns which are supposed to be discernible in its component parts. To suppose that the parts of a text are real whereas the whole of a text is a sort of optical illusion, or an illegitimate product of inference, is like supposing that the building materials in a house are real whereas the house itself is not, since the materials composing it can be conceived of as lending themselves equally well to a variety of different combinations or configurations. By the same token, although chemistry and physics might be employed to demonstrate that the building materials of a house are themselves composed of even smaller materials, it is not necessary to observe these smaller materials in order to observe the house. Indeed, there is no reason to assume that an adequate explanation of the architecture of the house must wait upon an adequate explanation of the architecture of the atom, as though a new awareness of the complexity of the latter must necessarily require a change in one's attitude toward the former. Indeterminacy on the level of the atom does not translate into indeterminacy on the level of the house, in spite of the fact that the house seems to be composed entirely of atoms. Similarly, the ambiguity of a text's materials does not necessarily interfere with the determinate nature of a text's argument. Simplicity and complexity are, in this respect, correl-

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ative rather than mutually exclusive, because they have to do with different levels of analysis.

The Philosophy of Anti-Philosophy

Another way of responding to deconstruction might be to remember that it is situated *inside* philosophy in the sense that it may be regarded as the consequence of a whole series of previous philosophical judgments. Thus, as Stanley Rosen demonstrates in his contribution to Cascardi's volume, we may trace the sequence of arguments in the philosophical tradition which has led up to the adoption of the deconstructive reading strategy. To the extent that these arguments have constituted the strategy, they cannot themselves be cancelled by means of the strategy. If all the texts of philosophy in the world could be deconstructed, the reasoning that had prompted such a Herculean effort would not be confirmed. Nor, for that matter, would it be disconfirmed. It would simply be out of play, out of reach. The only way to encounter it would be to review the history of philosophy. And if one were to do that, one might very well find that the deconstructive view of texts is not such a novelty as it is commonly supposed to be. In various ways, and at various times in the past, philosophers have addressed themselves to its governing principles, often enough rejecting them for reasons that still bear consideration.

Hobbes, for example, speaks out against deconstruction in *Leviathan*, when he asserts that "it is not the bare Words, but the Scope of the writer that giveth the true light, by which any writing is to bee interpreted; and they that insist upon single Texts, without considering the main Designe, can derive no thing from them cleerly. . . ."[1] Hegel goes even further, maintaining that the whole of philosophy ought to be regarded as a single unfolding argument, the sense of which is unintelligible in its disconnected parts. His *Lectures on the History of Philosophy* open with a warning:

> In thought, and particularly in speculative thought, comprehension means something quite different from understanding the grammatical sense of the words alone, and also from understanding them in the region of ordinary conception only. Hence we may possess a knowledge of the assertions, propositions, or of the opinions of philosophers; we may have occupied ourselves largely with the grounds of and deductions from these opinions, and the main point in all that we have done may be wanting—the comprehension of the propositions. There is no lack of voluminous and even learned histories of Philosophy in which the knowledge of the matter itself about which so much ado has been made, is absent. The authors of such histories may be compared to animals which have listened to all the tones in

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> some music, but to whose senses the unison, the harmony of their tones, has not penetrated.[2]

It may be that Hobbes and Hegel are wrong about the way in which a whole is related to its parts, but, to the extent that it proceeds on the basis of a different view of this relationship, deconstruction cannot, in the course of its normal operations, determine whether or not this is so. By subjecting all texts whatsoever to its own peculiar mode of analysis, it automatically circumvents the task of attending to discussions of its own basic assumptions. Strictly speaking, it cannot even hear these discussions, for to hear them would be to know that deconstruction represents a philosophical position rather than a decisive analysis of the whole of philosophy.

It would be a pity not to attend to Hegel's critique of deconstruction, since, in the second and all subsequent editions of the *Encyclopedia*, it precedes the unfolding of his mature system and provides a sort of impetus which gets the system going by eliminating certain preliminary objections which had been raised against it. Once this is seen, it becomes clear that speculative philosophy may issue from a rejection of deconstruction every bit as much as deconstruction may issue from a rejection of speculative philosophy. Each position takes its occasion from what it perceives to be the inadequacy of the other position, which means that it is wrong to suppose that there has been a simple historical progress whereby thought has moved from speculation in the nineteenth century to deconstruction in our own.

Hegel's critique may be found in the shorter *Logic*, particularly in the first six chapters which deal with the problems of pre-speculative and anti-speculative philosophy. Under the rubric of pre-speculative thinking, Hegel includes both pre-Kantian metaphysics and empiricism, which he regards as being fatally dependent upon assumptions whose ultimate origin is "popular conception" and "the usage of language." Hegel argues that the task of thinking philosophically is, more properly, to work directly upon the terms and notions that come to us from these sources in such a way as "to determine their limits, and point out their defects." For him, it is "the action of thought" to study the forms of thought, or the materials of thought, so as to exhibit them "in their essential nature and complete development."[3] This means that ways of looking at things that are in accordance with popular conception or linguistic usage are themselves in need of scrutiny. The right way of looking at things must be the way that emerges in the course of thought's inspection of its own constitutive forms and materials. It is, in fact, the gradually unfolding product of such an inspection.

In Hegel's analysis, metaphysical thinking and empirical thinking are equally flawed, because "both proceed from data or assumptions, which they accept as ultimate."[4] Metaphysics starts out from hunches about the nature of things, hunches derived from religion or from what Lyotard

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would call "customary" or "traditional" knowledge. Metaphysics tries to straighten out or refine upon these hunches by developing descriptions of the entities with which they deal, such as God, or the Soul, or Being. But the entities themselves, and the problems they appear to pose for the metaphysician, are not radically questioned. Consider, says Hegel, the characteristics that metaphysics typically assigns to Being:

> The multitude of these characteristics, and the limits set to their applicability, are not founded upon any principle. They have in consequence to be enumerated as experience and circumstances direct, and the import ascribed to them is founded only upon common sensualized conceptions, upon assertions that particular words are used in a particular sense, and even perhaps upon etymology. If experience pronounces the list to be complete, and if the usage of language, by its agreement, shows the analysis to be correct, the metaphysician is satisfied; and the intrinsic and independent truth and necessity of such characteristics is never made a matter of investigation at all.[5]

Empiricism is equally uncritical, because, although it imagines itself to be anti-metaphysical, it actually incorporates metaphysics without realizing it:

> It employs the metaphysical categories of matter, force, those of one, many, generality, infinity, etc.; following the clue given by these categories it proceeds to draw conclusions, and in doing so presupposes and applies the syllogistic form. And all the while it is unaware that it contains metaphysics—in wielding which, it makes use of those categories and their combinations in a style utterly thoughtless and uncritical.[6]

Having determined that metaphysics and empiricism have naïvely accepted the terms and methods they characteristically employ, Hegel supposes that the next step must be to think about just these terms and methods. Instead of accepting them naïvely or using them unconsciously, he wants to look at them directly in order to see how they work and where they lead. It was Kant who opened up the path of "critical" thinking by making us realize the extent to which the objects of thought are constituted by thought itself, without our knowing it. Now that we *do* know it, we can begin to consider all the implications that may follow from a thorough inspection of thought's forms and materials. Unfortunately, just when this project is ready to take off, a crucial objection is raised against it by thinkers who maintain that the Kantian critique itself has made it impossible. To these anti-speculative thinkers, it seems that *all* thought is equally vitiated by the presence within it of the unexamined elements associated with popular conception and ordinary language usage. If metaphysics and empiricism are flawed by incorporating these things into

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their investigations, isn't speculative philosophy similarly flawed by its own necessary incorporation of them? To the extent that they have infiltrated the expressions that even speculative philosophy must employ in expounding its own findings, don't they render these findings as nugatory as those of the old-style, pre-Kantian thought projects?

Hegel's answer to these questions is clear and, to my mind, absolutely compelling. Early in the shorter *Logic*, he reminds us that "the examination of knowledge can only be carried out by an act of knowledge. To examine this so-called instrument is the same thing as to know it."[7] This means that the discovery that knowledge is conditioned is itself a piece of knowledge. Our minds would blow a fuse if we tried to erect a completely skeptical view of knowledge on the basis of what we know about the conditioned nature of knowledge. And that is because the ability to detect the limitations governing a particular exercise of thought implies that the thinking that does the detecting *cannot* be liable to the same limitations.

Suppose, for example, that I add a set of figures together and arrive by mistake at an incorrect sum. Suppose that I do this so often that it becomes reasonable to conclude that I can't work properly with the figures in my sums. But it is certain that only someone who *could* work with them properly is entitled to such a conclusion. If *I* can see that my sums are incorrect, it has to be because I *can* add correctly, since I could only detect my mistakes by comparing my incorrect calculations with correct ones. In just the same way, inaccurate or flawed perceptions could never be known to be such were they not succeeded by later, accurate perceptions, the accuracy of which becomes the basis for passing judgment on the earlier ones.

It is by thinking along these lines that Hegel arrives at his distinction between the pre-critical thinking of the Understanding and a second kind of thinking that doubles back in order to see what the first kind has accomplished. Hegel calls this second kind of thinking Reason. And since Reason may be defined as the faculty "which discovers the conditioned nature of the knowledge comprised in experience," it seems not inappropriate to denominate it as "the faculty of the Unconditioned."[8] In essence, it is simply thinking about thinking. Because the inspection of thought can proceed only by means of thought, it seems foolish to object to the inspection by appealing to what the inspection itself has started to show us. That would be like reaching the conclusion that I can't add correctly because I have started noticing the errors in my sums. Let the inspection proceed then, and let us follow it wherever it takes us, since, in fact, there is no alternative. To do otherwise would be to use what the inspection itself has demonstrated in order to demonstrate the uselessness of the inspection. This, ultimately, is Hegel's defense of thought against those who imagine

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that the Kantian Critical Philosophy has delivered a preemptive strike against all future constructions of knowledge.

Deconstruction may be classified as one of the post-Critical objections to speculation that Hegel tries to clear out of the way before proceeding forward with his own project. It *is* post-Critical to the extent that it looks suspiciously at the thought processes whereby philosophy itself proceeds (albeit on the imperfectly grasped basis of philosophy's own insights). But it is also pre-Critical or incompletely Critical in that it disrupts philosophy before the Critical project can be fully carried out. Impressed (as Hegel himself is) by the discovery that the determinations of the Understanding are riddled with self-contradictions, deconstruction assumes that the thought which has detected these self-contradictions, and described them correctly, must be equally self-contradictory. Hence it refuses to assemble or develop the implications that follow from an inspection of the Understanding's categories. But this means that its own analyses have to be carried out on a pre-philosophical or non-philosophical basis, on the basis, in fact, of "common sensualized conceptions, upon assertions that particular words are used in a particular sense, and even upon etymology." The judgments implicit in such conceptions and usages are themselves in need of investigation, but they can't be investigated if the investigation of them is deconstructed as soon as it is launched.

It may be that the rhetorical analysis of philosophy succeeds in deflecting philosophy from its goal. But if it does, it is only at the price of remaining permanently trapped within its own unreachable, unanalyzable metaphysics. And this means that a judgment cannot be made concerning the validity of such opinions as we already possess haphazardly, because it is these opinions that are being used as a standard or criterion to measure the judgment. Thought becomes a passive display of its own quirks and bents, with no hope of ever getting beyond them. In view of what it takes to be the impossibility of achieving a synthetic grasp of its own constitutive phases and elements, thought subsides into a sort of "knowing" dogmatism, wherein every passing notion, every phenomenon, is granted equal validity or equal immunity from criticism. The result is that one form or another of ideology may be deliberately embraced after being pronounced unanalyzable and untranscendable. Indeed, in its zeal to reject the view that thinking can arrive at the truth of things, "the modern doctrine," Hegel says, "abandons itself to wild vagaries of imagination and assertion, to a moral priggishness and sentimental arrogance, or to a reckless dogmatizing and lust of argument, which is loudest against philosophy and philosophic doctrines."[9]

There is, of course, another way of assimilating deconstruction to the philosophical traditions from which it emanates, besides encountering it

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through the hostile criticisms of philosophers like Hobbes and Hegel. In a friendlier way, we might be tempted to regard deconstruction as quintessentially philosophical to the extent that it is so clearly an offspring of the emancipation and speculative narratives. Surely the first of these narratives, whether appealed to explicitly or not, has instigated the rebellion against authorial intention, which characterizes not only deconstruction but also other kinds of contemporary literary criticism. The notion that authors have authority over their own texts, and by extension over the readers of their texts, is disturbing to those of us who see in such an authority an infringement of readers' rights. Like priestly or kingly authority, the authority of mere authorship is an outrage, since it interferes with the intellectual autonomy of readers. It is much more edifying to imagine that the world is all before us as we read, that infinite interpretive possibilities are beckoning to us, inviting us to take our pleasure as we will. That way we can think of ourselves as determiners of meaning rather than as slavish recipients of meanings determined for us in advance by lordly authors.

Berger makes this point in his subtle deconstruction of the text of Plato's *Ion* when he declares his right as a reader to interpret Socrates's "manhandling of Ion not as a victory for Socrates but as a defeat" (Cascardi 83). As Berger informs us, "textuality reverses the chronological lines of force (or 'influence') that move from Socrates through Plato to us, sending them back from readers through the Platonic text to its representation of Socrates" (*ibid.*). Once we jettison the idea that the meaning of a book is already constituted before we begin to interpret it and that this already-constituted meaning has some sort of claim upon us which needs to be acknowledged as the starting point of our own thinking about it, we can begin to regard the act of reading itself as that which constitutes the meaning it arrives at, and we can begin to talk as though this act were mainly an occasion for readers to make ethical or political gestures.

Of course, the idea that the meaning of a book is constituted by the act of reading it makes sense only if one is prepared to embrace some form of idealism, as does Arthur C. Danto in his essay, where he insists that literature is "about each reader who experiences it," "each individual that reads the text at the moment that individual reads it" (Cascardi 18). The degree of idealism present in reader-centered criticism can be measured by the extent to which authorial intention is regarded either as an unknowable thing-in-itself outside the reader's circle of experience or else as a readerly invention (there being, strictly speaking, nothing outside the reader's circle of experience). Danto is no deconstructor, so he appeals openly to Hegel in support of his contention that a literary work exists "only for the individual apprehending it, so that the apprehension com-

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pletes the work and gives it final substance" (*ibid.*). But whether or not the acknowledgement is made openly, every attempt to derive the objects of experience from within the field of experience itself (as we do when we say that the meaning of a book derives from the response made to it by a reader) depends upon a prior commitment to idealism. It stands or falls depending on the success or failure of the idealistic philosophy that informs it.

Mary Bittner Wiseman makes the emancipation narrative as explicit as possible in her essay on Roland Barthes ("Barthes and the Utopias of Language"). She makes it quite clear that the motive behind the performative gestures of Barthes's writing ("the pirouettes Barthes's texts make" [Cascardi 300]) is a desire to "fulfill the utopic function of refusing language's referential and other semantic functions." Why do we want to refuse these functions? Because they have been imposed upon us from the outside by tyrannical social institutions, and thus interfere with our autonomy:

> The power of assertion is harnessed by social institutions that sanction both the ways of conceiving embedded in the languages and the truth-claims the languages are used to make. The different powers of language and of institutions reinforce each other so that a subset of all that is sayable in a given language is supposed by dint of repetition and institutional custom to be true. If one performs a Humean demystification of the effects of custom and repetition, however, and concludes that what is called natural and necessary are fictions created by the institutions in power, then one may wish neither to use nor to be used by the languages in place, which are, nonetheless, all the languages there are. Since the roster of institutions includes universities, academies, scholarly societies, publishing houses—in short, all the means of the dissemination of ideas, the question becomes one of how to speak against or outside of an intellectual tradition whose language one cannot help but speak. (Cascardi 299)

This is such a clear explanation of the motive behind Barthes's interest in the possible deformations and reformations of language that it makes one see at once what is wrong with "the great refusal." Barthes's refusal of language's "referential and other semantic functions" rests entirely on a prior analysis of "the institutions in power" with all their insidious effects—an analysis which could *not* have been performed by language in any of its straining-towards-utopia postures, but which, in fact, *was* performed before these postures were struck by a language not yet purified of its "referential and other semantic functions." But if the very referential and semantic thinking which has shown itself to be capable of carrying out such a powerful critique is itself scrapped on the grounds that it must be tainted by the institutions it has itself analyzed *correctly*, what reason is

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there any longer to strain towards utopia? The passage from Professor Wiseman's own essay, which I have just quoted, would have to be rejected along with all the old-fashioned thinking it retails concerning the relationships between social institutions and the thoughts and expressions of individuals. None of this old-fashioned thinking is compatible with the linguistic practices urged by Barthes, and yet it is appealed to at the very beginning as the indispensable ground of those practices.

The source of this old kind of thinking is, of course, that collective body of texts which comprises the emancipation narrative, the same narrative that inspires J. Hillis Miller's assertion of the ethical and political implications of reading when reading is regarded as a fundamentally constitutive activity. In *The Ethics of Reading*, Miller writes:

> If there is to be such a thing as an ethical moment in the act of reading, teaching, or writing about literature, it must be sui generis, something individual and particular, itself a source of political or cognitive acts, not subordinated to them. The flow of power must not be all in one direction. There must be an influx of performative power from the linguistic transactions involved in the act of reading into the realms of knowledge, politics, and history. Literature must be in some way a cause and not merely an effect, if the study of literature is to be other than the relatively trivial study of one of the epiphenomena of society, part of the technological assimilation or assertion of mastery over all the features of human life which is called "the human sciences."[10]

Here we see the same desire to resist incorporation into already existing social structures, the desire of the individual to press back against these structures, that motivates Barthes's refusal of language's referential and other semantic functions. Here too a prior understanding of the situation of the individual grounds the recommendation that we individuals resist the idea that there can be such a thing as a prior understanding of our situation. But to dispense with this prior understanding is to completely eliminate any possibility of assessing whether our actions are relatively free or relatively conditioned, because such a prior understanding is always the condition of the assessment. Any action that was truly sui generis, in the sense that it could be said *not* to depend in any way on a preliminary grasp of the situation in which it occurs, could not *aim* to be sui generis, nor could it be accompanied by an awareness on the part of the individual that it was sui generis. The impulse to be free, since it depends on a prior contemplation of the prospect of freedom, cannot occur in a vacuum. A world from which to be free, or in which to be free, is its necessary presupposition. This world cannot be conceived as an effect of the effort that is made to *re*conceive it or evade it. Besides, the effort to think of the world as though its nature were given to it by the "performa-

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tive power" of the individual mind was already recommended by at least some of those philosophers who regarded themselves as idealists. To recommend it again is to be caught up within the tradition of their thoughts and recommendations. Thus it happens that the deconstructors (and the other insurgents against the authority of authors) may be regarded as latecomers to the emancipation narrative, which nevertheless remains alive and well in their literary-critical meditations, despite all efforts to be incredulous toward it.

The other narrative—the speculative narrative—is also, to a large extent, recapitulated in deconstruction. The tendency to suppose that there has been progress in the history of thought from the relative blindness of philosophers (from Plato to Hegel) to the relative insight of post-philosophers (from Nietzsche to Rorty) is perfectly in keeping with the speculative goal of arriving at a philosophy of philosophy. To assume that such a progress has been made is exactly to assume that later thought has the power to look back on earlier thought and to pronounce valid judgment on it, even though later thought is necessarily an outgrowth of earlier thought. It might be said, in fact, that the detection of self-contradiction in the seemingly determinate descriptions of things which have been produced by naïve thought projects is a type of analysis that deconstruction borrows directly from Hegel's critique of the Understanding. Deconstruction feeds upon and consumes what it analyzes to the same degree that the Hegelian Reason feeds upon and consumes the determinations arrived at by the Understanding.

In this sense, deconstruction represents a sort of continuation of Hegel whereby the extension of the Hegelian critique to philosophy itself is interpreted as a natural evolution of old-fashioned philosophy into grammatology or interpretation theory. Every attempt to construe deconstruction as a form of post-philosophy which is "higher" or "later" than the thinking it looks "down" on or "back" on, every attempt to construe it as the sign of an *event* in Western consciousness wherein consciousness has become more subtly aware of itself, is really an unwitting affirmation of the goal of speculative philosophy, which was (and is) to describe the unfolding of thought up to the point where thought finds itself able to embark on just such a description of itself. It is at this point that thought looks back on its old projects, not in terms of their original objects, but in terms of how those objects were constituted. When this happens, knowledge becomes the knowledge of knowledge, and consciousness becomes self-consciousness.

Even in the form of deconstruction, this knowledge of knowledge shows itself to be capable of synthesizing what it knows. Just as the postmodern scientist may be supposed to have a fuller, richer knowledge

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by virtue of his or her distinctive ability to know both the continuities *and* the discontinuities that characterize natural phenomena, so the deconstructionist is often supposed to possess a fuller, richer awareness of textual phenomena. Barbara Johnson, although she is not a contributor to Cascardi's anthology, makes this point very nicely when she observes that "deconstruction is a reading strategy that carefully follows both the meanings and the suspensions and displacements of meaning in a text, while humanism is a strategy to stop reading when the text stops saying what it ought to have said."[11] Clearly, the implication here is that the deconstructive reader has seen the text as it really is, in its true complexity, whereas the ordinary reader—the humanizing reader—can see only those elements of it that fit neatly into reductive meaningful patterns. Humanists project into the act of reading their own sense of what a humanly designed work must be like, thereby ensuring that they will not be able to perceive elements that do not conform to this sense. Deconstructive readers (when they lean toward the speculative narrative rather than the emancipation narrative) pride themselves on not presupposing that texts are works, or products of human design, that mean to say things to us. Not being hampered by this presupposition, they are free (faint echoes here from the emancipation narrative?)—free to notice more than their humanist counterparts. Refractory elements, elements that somehow seem to be outside the patterns, can be held side by side *with* the patterns, so that the whole text comes into view as an irreducibly complex field of continuities and discontinuities.

At first glance, it might appear that such a reading strategy expresses a willingness to accept the heterogeneity of texts, but it also seems to indicate a desire not to leave anything out, not to leave anything unaccounted for, so that the totality of the text can be more completely registered. It is quite wrong, in any case, to suppose that texts presenting both meanings and suspensions of meaning have eluded determination and are thus a source of dismay to the thought that is trying to comprehend them. Just the opposite is true. For as soon as the multiplicity of a text has been detected, as soon as the discoordination of its elements has been determined, the despaired-of synthesis *has* been performed. Thought *has* worked out the relationship between meaning, on the one hand, and the suspensions and displacements of meaning, on the other. Reason has not been baffled at all; it grasps the object presented to it and describes it (correctly) as a combination of opposing or conflicting determinations. The tendency of language to baffle us when we look at a text is surmounted the moment we decide to look at a text in order to see in it "the tendency of language to baffle us." From that point on, it might be observed, the greater the bafflement, the merrier the critic. For, indeed,

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the bafflement has ceased to be baffling. Instead, it has become edifying. And that is because is has been comprehended or transcended. From this point of view, it certainly looks as though deconstruction *can* be assimilated into the philosophical tradition as a variant or hybrid of nineteenth-century German idealism. The only way to determine whether or not this is the case would be to compare Hegel's account of the Understanding's self-contradictions with deconstruction's account of the self-contradictions within textual phenomena. Whatever the outcome of such a comparison, the real result would be that the underlying philosophy of deconstruction would come into view, and the illusion that it was beyond philosophy, or post-philosophical, would be dispelled. Reason, called upon to determine which is the more reasonable view of self-contradiction, would give no evidence of being in a state of crisis.

After Philosophy, Philosophy

Not all the essays in *Literature and the Question of Philosophy* are deconstructions, however. A number of the essayists take it for granted that philosophy's impotence has been sufficiently exposed already, so that now the time has come to show what thought can be, what thought can accomplish, after philosophy. Is it not possible to adopt ways of thinking and being in the world that are philosophy-free or philosophy-proof? Are not growth experiences, particularly those associated with art and literature, properly constitutive, rather than reflective, of moral awareness? Charles Altieri and Martha Craven Nussbaum are concerned to show in their essays that the arts (to use Altieri's phrasing) "help us understand ourselves as value-creating agents and make possible communities who can assess those creations without relying on the categorical terms traditional to moral philosophy" (Cascardi 135). Philosophy imposes its terms upon us from above, without regard to the "actual nature" or "moral priorities" of the individual. It seeks to coerce the individual into conforming to general principles, whereas a proper morality would "derive its third-person principles from first-person commitments" (136). These commitments are displayed to us best of all, in their full complexity and concreteness, in the pages of literature, which is why the cultivation of aesthetic sensitivity suggests itself as the means whereby we can come into contact with the "most fully articulated models" of our own possible commitments. Those who are most familiar with the importance of cultivating aesthetic sensitivity, such as art critics and art theorists, have a greater importance than ever, since they are the ones who know best how it is that "the claims one must make about human powers and concerns have a substantial basis in the experience of those responsive to the arts" (138).

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In her essay on Henry James's novel *The Golden Bowl*, Nussbaum argues that moral awareness grows out of an aesthetic grasp of concrete situations, with everything depending on what she calls "the fine-tuned perception of particulars" (181). The best of James's characters have wonderfully refined sensibilities, rather like James's own sensibility, and, if we wish to be like them, we shall have to become (or try to become) people on whom nothing is ever lost. For help, "we will need to turn to texts no less elaborate, no less linguistically fine-tuned, concrete, and intensely focused, no less metaphorically resourceful than this novel" (180). As Nussbaum phrases it, the ultimate moral model is "the fine Jamesian perceiver," the man or woman who "employs general terms and conceptions in an open-ended, evolving way, prepared to see and respond to any new feature that the scene brings forward" (180). For such a perceiver, the universals of experience must be constantly changing in accordance with changes in the particulars. Otherwise, the particulars themselves threaten to disappear from view, being replaced by stereotypes and caricatures.

But is it really possible to make a philosophy-free aesthetics the basis of moral values or moral awareness? Is philosophy so easily eluded or bypassed that it does not make an appearance in the thinking that urges such a pure commitment to the particulars of experience? Surely, the turn toward literature and the arts is grounded in an evaluation of what are perceived to be the relative inadequacies of philosophy. This evaluation must know in advance what counts and what doesn't in building a proper moral life. It must know already that the right way to live consists of certain kinds of activity, whereas the wrong way consists of other kinds of activity. Now this is a very big thing to know, and to the extent that, being known, it becomes the principle by which we live, it cannot be something discovered along the way. To place a high value on experience because experience is the method whereby one hopes to arrive some day at a conception of what deserves to be highly valued is to have a moral philosophy already in place, benignly presiding over the developments whereby one intends to arrive at one's moral philosophy.

If experience alone could be trusted to produce large quantities of fine Jamesian perceivers, there would be little need to argue vigorously on behalf of such. Evidently, experience can go wrong and be less than it should be. The more anxious we are to see that it goes right, the clearer it is that we are operating with a philosophy of experience that cannot be supposed to have emerged from the kind of fine, aesthetic experiences being contemplated as a future prospect. On the other hand, if past experience is appealed to as the basis of this philosophy, then past experience has become the source of norms, rules, or principles, designed to insure that future experience will conform to a certain character. In short, past experi-

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ence has assumed the shape of a philosophy, albeit a very strange one if it presumes to advise us not to accept philosophical advice.

The paradoxes of aestheticism are perhaps best seen in the classic formulations of Walter Pater's "Conclusion" to *The Renaissance*. With masterful economy, Pater describes the deconstructions that the most sophisticated thought has performed on both the outer world of nature and the inner world of mind. As a result of these deconstructions, it is now known (says Pater) that the "realities" of mind and nature are really illusions or caricatures. The stability of the external world disappears when seemingly simple objects are reduced to an infinite flux of elements and processes, and the inner world, too, loses its coherence when reflection reduces it to its ultimate elements, namely, momentary, evanescent impressions. Since impressions alone are what we really have to work with, the things which appear to a cruder thought to be the causes of these impressions are really chimeras or phantasms. The positive sciences, because they concern themselves with what they wrongly take to be objective entities, are deluded. So are religion and philosophy. Since impressions alone are real, only the cultivation of impressions really matters. Anything at all that diverts us from what Nussbaum has termed "the fine-tuned perception of particulars" is a gross imposition on us. Pater knows that the upshot of all this is the decision to live aesthetically:

> With this sense of the splendor of our experience and of its awful brevity, gathering all we are into one desperate effort to see and touch, we shall hardly have time to make theories about the things we see and touch. What we have to do is to be forever curiously testing new opinions and courting new impressions, never acquiescing in a facile orthodoxy of Comte, or of Hegel, or of our own.[12]

Pater's statement is the classic one, and it allows us to see what the philosophy of living aesthetically can look like when it attempts to formulate itself in its most extreme terms. The first thing we notice about it is that it is a deduction, a conclusion, something that follows from a whole series of skeptical deconstructions. It defines itself as the only thing left to do after the naïve illusions of Western thought have been fully exposed for what they are. Aestheticism must begin with, and hold on to throughout its career, a single moral principle, according to which the highest thing of all is the exercise of a "quickened, multiplied consciousness." And this means that the aestheticist can't really learn anything, for experience can't be a means to an end. Aestheticism already knows the end: "Not the fruit of experience, but experience itself, is the end." Indeed, what aestheticism guarantees is an endless stream of experiences that do not matter because they cannot alter, in any important way, the attitude of the mind that is

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having them. Nothing can come up against such a mind that can lay a claim upon it, since it already knows the vanity and inconstancy (i.e., the deconstructibility) of everything it encounters *before* it encounters it. The exercise of a quickened, multiplied consciousness is what comes after the exposé of values and principles. It cannot lead to the discovery of these things except insofar as they can be identified as grist for the mill of exquisite experience. To this extent, the aesthetic attitude represents a final position rather than a means to attain new ones. It is the attitude, not of an "open" sensibility, but of a profoundly closed one.

Pater's tiny essay presents a view of things that is profoundly philosophical, in the sense that it draws a big conclusion which could only result from a massive exercise of the powers of synthesis and analysis, which exercise constitutes a massive violation of its own prohibition against drawing conclusions or even theorizing about things. Apparently, even the purest of aesthetes must be constantly on guard against turning into a philosopher. But to be always "on guard" against the natural tendency to draw big conclusions from our experiences, to proceed always with Pater's maxims in mind about the danger of adding things up, is precisely to have a philosophy locked in, a philosophy which could never have been produced by the experiences of which it approves. That is why a thoroughgoing aestheticism, such as Pater tries to propound, cannot be construed as a basis for the discovery of ethical or moral principles. The highest values of all, indeed the only ones possible, are already invisibly in place before the mock search for them, through having the "right" kind of experiences, can begin.

In fairness to Altieri and Nussbaum, however, it must be said that they do not embrace the extreme form of aestheticism that Pater describes. Neither of them wishes to deconstruct persons, and both state clearly that a concern for persons is fundamental to the very idea of ethics or moral awareness. Altieri's belief that the structure of "first-person commitments" needs to be studied sympathetically is surely the sign of a modified aestheticism, as is his respect for the "moral priorities" and "actual natures" of individuals. Nussbaum's aestheticism is similarly modified to the extent that she emphasizes, in discussing *The Golden Bowl*, that even perception itself must be rooted in affection if it is to have a moral aspect: "James suggests that if, as members of moral communities, we are to achieve shared perceptions of the actual, we had better love one another first, in all our disagreements and our qualitative differences" (184). With respect to these modified aestheticisms, the whole issue turns, I think, on whether concern for persons is an effect of perceptiveness or a cause of perceptiveness. Once in place, there is no doubt that concern for persons can stimulate a more sensitive or perceptive awareness of situations in which per-

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sons are involved. A flexible, open-ended expression of this concern will not be hard to register, if the concern is already present as a dominant factor in our lives.

The question is, can this concern be arrived at on the basis of a perception of particulars which is not already morally or ethically informed? The answer, I would say, is no. Even in a modified aestheticism, the fine-tuned perception of particulars is a consequence of already valuing something; it is a way of applying or refining upon "moral priorities" that have already been constituted. Perceptiveness is, in itself, an *expression* of concern, not a strategy for determining whether concern is appropriate. Fundamental principles are not waiting for us at the end of the line. We start out with them, and we carry them with us as we go. If this is true, then even a modified aestheticism cannot be supposed to be capable of "creating" values and principles. It can only provide occasions for displaying them, such as they are.

It might further be said that aestheticism (both pure and modified) is designed to prevent philosophical speculation from interrupting the natural unfolding of our own most basic, most personal perceptions of things, whether or not these perceptions are identical with valuations. But it can only do this by working out a defensive rationalization of the processes whereby these perceptions occur. A formal ethics of some sort must be the result, and the function of this ethics will be to see to it that experience keeps flowing along in the "right" channels or in the "right" way. Normative rules or principles will manifest themselves in the usual way, providing that which is needed to interpret all subsequent experiences. In this way, aestheticism acquires and maintains the character of a philosophy, which is exactly what it wants to avoid.

The postmodern effort to transcend philosophy is inescapably philosophical in its motives and procedures. This should not be passed off as a sort of accidental effect of the conditions of discourse, because it goes much further than that. Every contributor to Cascardi's book is engaged, no matter how distinctively, in drawing inferences from what I have referred to as "the crisis of reason" narrative, and this means that each and every essay is, to a greater or lesser degree, an example of the kind of thinking that most of the contributors seem to regard as obsolete or illegitimate. No amount of hand-wringing about the insidiousness of the Western onto-theological tradition can do anything but confirm the fact that we keep running into, which is that "there are certain modes of activity, certain laws of the rational will, which we reinstate and verify, through the very act of attempting to presuppose that these modes of activity do not exist, or that these laws are not valid."[13]

What am I to do, after all, when philosophers urge me to abandon

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philosophy and take up literature instead? Should I follow their advice and take up literature, for the very good reasons they have brought to my attention? Or should I ignore this advice, having noticed that it constitutes a sort of philosophy and is being promulgated by philosophers? If I accept what *they* have to tell me, I shall at the same time have to reject it. But if I reject it, on the strength of their own good arguments concerning the limitations of philosophy, I shall really be accepting philosophy after all.

I would prefer, I think, to accept some of what has been said against philosophy with the immediate proviso that, of course, this means that philosophy has thereby eluded or exceeded its supposed limitations. To the extent that it presents us with the fruitful self-contradiction of affirming the power of that which it declares to be powerless, *Literature and the Question of Philosophy* may be compared to *The Postmodern Condition*. Both books are to be prized for offering exemplary illustrations of the incapacities that so chronically afflict those who proclaim the terminal incapacity of reason.

NOTES

1. Thomas Hobbes, *Leviathan*, ed. C.B. Macpherson (Baltimore: Penguin Books, 1968), 626.
2. G.W.F. Hegel, *Lectures on the History of Philosophy*, trans. E.S. Haldane and Frances H. Simson (Atlantic Highlands, N.J.: Humanities Press, 1983), xv.
3. G.W.F. Hegel, *Logic: Being Part One of the "Encyclopedia of the Philosophical Sciences"* (1830), trans. William Wallace (New York: Oxford University Press, 1975), 66.
4. *Ibid.*, 63.
5. *Ibid.*, 53.
6. *Ibid.*, 62.
7. *Ibid.*, 14.
8. *Ibid.*, 72.
9. *Ibid.*, 111.
10. J. Hillis Miller, *The Ethics of Reading: Kant, de Man, Eliot, Trollope, James, and Benjamin* (New York: Columbia University Press, 1987), 5.
11. Barbara Johnson, "Teaching Deconstructively" in *Writing and Reading Differently: Deconstruction and the Teaching of Composition and Literature*, ed. G. Douglas Atkins and Michael L. Johnson (Lawrence: University Press of Kansas, 1985), 140.
12. Walter Pater, *The Renaissance: Studies in Art and Poetry* (New York: New American Library, 1959), 158.
13. Daniel S. Robinson, ed. *Royce's Logical Essays: Collected Logical Essays of Josiah Royce* (Dubuque: Wm. C. Brown, 1951), 364–5.

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Clifford F. Thies

BUSINESS CYCLES AND BLACK HOLES

Real business cycle theory, as exemplified by Fischer Black's Business Cycles and Equilibrium, *posits that business cycles are due to random "technology shocks," and not to monetary, fiscal or other government policies. Rational expectations and complete markets are supposed to enable decision makers to avoid the costly mistakes that would otherwise result from policies that distort incentives to borrow and invest. This paper questions the assumptions of rational expectations and complete markets from an Austrian-school perspective. It argues that decision makers economize on information costs by basing their plans at least in part on the actual prices observed in the course of doing business, and that government regulations have impinged on the evolution of markets, leaving them far from complete.*

The clarity, power of synthesis and originality of Fischer Black's *Business Cycles and Equilibrium* (London: Basil Blackwell, 1987) derive, I have no doubt, from his independent perspective on macroeconomics, being professionally as well as academically in the world of finance. A partner in Goldman, Sachs, he is the investment banking industry's premier "rocket scientist," or doctoral-level financial analyst. His work on options is argu-

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ably the most important contribution to finance since Harry Markowitz's and William Sharpe's work on investments, and Franco Modigliani's and Merton Miller's work on corporate finance.[1] *Business Cycles and Equilibrium* brings together his most important papers in macroeconomics, including contributions in the area of money and banking, a marvelous piece on the gold standard, and—the subject of this review—his work on the real business cycle.

Real Business Cycles

In chapter 13, "General Equilibrium and Business Cycles," Black presents what may be viewed as the neoclassical view of the business cycle: "real business cycle theory." In this view, recessions are due to random—in the sense of unpredictable—shocks to the macroeconomy. These shocks catch people in the midst of implementing their production plans, when they are less than fully able to respond. Recessions constitute the costly writing-off of malinvestments and regrouping of resources in order to re-coordinate production with the demands of consumers. What is different about this view is that these shocks are not particularly due to monetary, fiscal or other government policies.[2]

It should be noted that in neither of two original presentations of this theory was it depicted as the only possible explanation of business cycles.[3] Thus, Long and Plosser stated that "our purpose is not to dispute the explanatory power of particular hypotheses [e.g., monetary theories of the business cycle] that are inconsistent with the foregoing assumptions."[4] And, King, Plosser and Rebelo reiterated that while "to many readers it must seem heretical to discuss business cycles without mentioning money," their model is simply a non-monetary theory.[5] But in Black's view, *all* business cycles are real; none are monetary.[6] Lucas, who shares Black's view, argues that "it is easy enough to graft monetary complications onto a real world with the money supply responding to real events but playing no causal role . . . and perhaps this is all the monetary theory we need."[7]

Real business cycle theory is in some very important respects similar to the Austrian theory of the business cycle, which likewise emphasizes coordination of producers' plans with consumers' demands, the heterogeneity of capital and the complementarity of factors of production, and the "hardening" of the production possibilities frontier once production is underway. Indeed, Kydland and Prescott cite Böhm-Bawerk's *Positive Theory of Capital* in the first sentence of their paper on the real business cycle.[8] The difference is that Austrian-school economists identify a major cause of miscoordination to be the false expansionary signal given to

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business by monetary policies that lower interest rates and induce additional borrowing and investment spending.

For Black and the other neoclassical economists who assume that capital markets are complete, and that decision makers possess rational expectations, it is inconceivable for producers to be repeatedly fooled by monetary policy. If the government uses monetary policy to lower interest rates below their equilibrium level, then speculators will recognize a profit in countering these policies and, in so doing, will neutralize their effects. It is as though investment bankers stand athwart Wall and Broad Streets, like a colossus, protecting us from the Fed.

One must admit there is a certain logic to this argument. We can, after all, write contracts in real as opposed to nominal terms and, accordingly, we can largely insulate ourselves from the vagaries of monetary policy. Furthermore, we can achieve the same effect by hedging exposure to inflation and other risks through options, futures and other "derivative" instruments. Nevertheless, there are several problems with the premise on which Black builds his macroeconomic edifice.

Real-World Imperfections

The first problem with Black's belief that financial markets can neutralize monetary policy is the limited ability of speculators to follow through (with cash) on their incentive to rationalize the prices of financial securities in the face of monetary policy. Economists should presume that the price-rationalization services offered by speculators are—like other economic goods—scarce.

We might suppose that investment in financial speculation is usually sufficient to rationalize the prices of financial securities. Similarly, we might suppose that the capacity of a reservoir would be sufficient to supply water in the face of the usual variations in precipitation.[9] But it would be unrealistic to presume that such investments would be sufficient to deal with extreme variations. By this logic, monetary policy might be able to recurrently influence interest rates.

In the face of such considerations, Black's preface retreats, somewhat, from his original view. Thus, he accepts that the government *can* force the federal funds rate above or below its equilibrium level when it "is intervening actively on debt markets." Nevertheless, he contends that the government has no control over "the" interest rate (viii). To the extent that the government lowers the federal funds rate, it will raise some other rate, leaving "the" interest rate unchanged.

That a hypothetical interest rate is left unchanged may be sufficient for an economist presuming that decision makers possess rational expecta-

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tions. For by reason of rational expectations, decision makers will make their production plans based on the hypothetical interest rate, and thus avoid the distorted signals of actual interest rates.

But for an Austrian-school economist, once it is admitted that monetary policy influences real-world interest rates, it is possible that expansionary monetary policy will induce excess borrowing and investment spending, engendering a business cycle of overinvestment followed by liquidation.[10] This is because a second key distinction between neoclassical and Austrian-school economists is the view of the latter that decision makers, economizing on knowledge, base their decisions at least in part on the actual prices that are observed in the course of doing business.[11]

In the neoclassical view, government policy is neutral because all decision makers have the knowledge needed to be, in effect, central planners. In this view, the market is a wonderful means of social order because, by recognizing property rights and allowing financial contracting, markets induce us to better attain the socially optimal and known-to-all plan.[12]

In the Austrian view, nobody could ever come close to gaining the requisite knowledge of a central planner. It is not simply that decision makers economize on knowledge, as though it would be possible at some cost to obtain the knowledge needed for central planning. In addition to the information consciously known, albeit diffuse among market participants, there is information embedded in market processes, there is discovery, and there is true uncertainty.

In this view, even speculators are not central planners. Rather, they merely rationalize the prices of financial securities, allowing decision makers to rely on those prices when making their disparate plans. The market is marvelous both because of its incentive effects and because it reduces the information costs necessary for planning.

A third distinction between neoclassical economists and Austrian-school economists is the view of the former that the financial market is complete, meaning that all possible claims are priced. In the parlance of finance, there is active trading in "[Kenneth] Arrow-[Gerard] Debreu" contingent claims involving every eventuality. In contrast, Austrian-school economists contend that government regulation significantly impinges on the evolution of financial markets. Lucas asks that we "think of trade in securities—a full range of Arrow-Debreu contingent claims. . . ."[13] Yet the financial market is not complete. Discussing the "ban" on indexed bonds in the United States from 1933 to 1977, McCulloch writes that "the 'free' market has not been anywhere near as free as economists find it convenient to assume."[14]

For two intertwined reasons, financial markets should not be presumed complete. First, how could we be sure they are now complete, given the

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many significant innovations that have occurred since the breakdown of the Bretton Woods agreement?[15] Moreover, many market participants lag behind the most advanced financial sectors. These participants are simply not sophisticated enough to deal other than in the inherently speculative fiat money issued by their governments. It may be too costly for those who are more informed to try to educate them and by doing so, to create a market for real money and other appropriately indexed securities. That is, certain financial innovations may be like public goods in that, once brought to the market, their benefits in facilitating exchange are not excludable to those who did not pay for their introduction.[16] Therefore, not all socially optimal innovations may be brought to the market.

Second, governments still ban, burdensomely regulate and adversely tax many financial instruments that would hedge or optimally transfer risk. The assertion of regulatory authority over so-called hybrid bonds by the Commodity Futures Trading Commission (CFTC) is a case in point. In the late 1980s there was a renewal of interest in price-linked bonds. A number of corporations issued bonds with interest rates tied to the prices of copper, natural gas and other commodities, and to broad price indices such as the consumer price index; other corporations were expected to follow.[17] This market was all but destroyed, however, by the assertion of regulatory authority over these option-like debt instruments by the CFTC, and by the promulgation of regulations, thirteen months later, requiring specific approval for all issues other than those of the most creditworthy corporations.[18]

Federal and state regulation and guarantees of banking and finance forestall the development of securities that might better hedge or transfer risk. These regulations distort the continuing evolution of the financial market.

Real Labor Markets

A particularly difficult phenomenon for neoclassical economists to explain is the persistence of unemployment during recessions. Unemployed labor and other forms of underutilized productive capacity seem to be the so-called "one hundred dollar bills laying on the street" that are not supposed to occur when markets are complete. It is just this kind of unemployment that Keynesian and monetarist theories of the business cycle try to explain.[19]

As Lucas has stated, a distinctive characteristic of real business cycle theory is its focus on variations in production as opposed to a focus on "recurrent episodes of widespread unemployment.[20] To obtain the kind of persistent unemployment which is observed in the real world requires

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"either large technology shocks or multipliers."[21] But the size of the technology shocks required to fully explain persistent unemployment are not credible to all economists sympathetic to real business cycle theory.[22]

At one point, Black suggests that the persistence of unemployment might be due to government regulation of labor markets. He asks why firms should "fire or lay off their employees in bad times rather than lowering wages so that the desired number will quit" (143). One reason, he points out, is that employees who quit do not qualify for unemployment benefits. But "more generally," he writes, persistent unemployment is due to the cooperative effort and indivisibilities involved in production. Firms are reluctant to lower wages and lose some of their workers to competitors when demand softens, since the fall in demand might be transitory. They would prefer to lay off some of their workers, thereby qualifying them for unemployment benefits and forestalling their search for new jobs.

Austrian-school economists have long criticized government policies that have caused unemployment by propping up wages during periods of soft demand.[23] The empirical question is: to what extent are wages made less flexible by government regulation?

On this issue, the Japanese experience is instructive. In Japan, a major portion of workers' wages is comprised of bonuses directly tied to the fortunes of the corporations for which they work.[24] Thus, during periods of soft demand, wages are automatically reduced and employment is maintained. Since the adoption of conservative monetary policies in Japan in the mid 1970s, and in spite of the technology shocks that have been wreaking havoc in the United States since then, economic growth has been very stable in Japan.

In the United States and Western Europe, labor practices institutionalized early in this century have resulted in an entirely different response to fluctuations in demand. Unemployment insurance was legally codified at a very early point in its evolution. It would be amazing if private alternatives could not, today, better meet the need for income security. Indeed, the popularity of private insurance policies that make mortgage payments upon the contingency of unemployment suggests that governmental unemployment insurance is not sufficient. Thus, in the labor market as well as in the financial market, Austrian-school economists are not so quick to presume that markets are free.

Noise and Econometrics

There is an element in Black's macroeconomic thinking that Austrian-school economists would find very interesting. In chapter 14, "Noise,"

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Black develops some of the implications of the lack of information and even false information that pervade the economy. Because the future is inherently uncertain, producers, who make their plans in anticipation of consumer demand, may find that their future supplies do not match future consumer demands. Black goes so far as to argue that "the number of sectors in which there is a good match . . . is an index of economic activity" (153). Black's index of economic activity is entirely consistent with the Austrian-school definition of macroeconomic equilibrium. Furthermore, Austrian-school economists will see a strong similarity between the discussion of "noise" and Lachmann's writings on knowledge and uncertainty.[25]

Because of noise, it is very difficult to use econometric analysis to do anything more than determine empirical correlations. Econometric analysis cannot determine causation. Thus, in order "to test a theory," usually all we can do is determine if "it is consistent with the observed correlations . . . and whether it seems plausible" (128).[26] The rules Black proposes in order to determine if a theory is plausible are whether it implies "easy to exploit opportunities," and whether its "predictions would not change if replaced by more reasonable assumptions" (128).

Black writes, "I cannot think of any conventional econometric test that would shed light on the question of whether my business cycle theory is correct or not" (163). All that can be said, econometrically, is that the data are consistent with the theory, as the data are undoubtedly consistent with any number of other theories. From the perspective of an Austrian-school economist, the question is whether the predictions of the model change if the assumptions of rational expectations and complete markets are relaxed.

It could be argued that the contribution of real business cycle theory is that it shows that the data are consistent with a model, devoid of money, in which business cycles "just happen." Thus, it questions the econometric argument for any of the specific monetary theories of business cycles. To be sure, this is mostly a concern for Keynesian economists who almost exclusively focus on econometric analysis of the U.S. post-war experience. Monetarists will at least agree that theories are best tested using a variety of data. Austrians would probably not disagree at all.

NOTES

1. See Fischer Black and Myron Scholes, "The Pricing of Options and Corporate Liabilities," *Journal of Political Economy* 81, no. 3 (May/June 1973): 637–59.
2. An "exception" is when there is deflation, because nominal interest rates

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cannot fall below zero. This is Black's version of the "liquidity trap," which he renames the "currency trap" (146).

3. John B. Long and Charles I. Plosser, "Real Business Cycles," *Journal of Political Economy* 91, no. 1 (February 1983): 39–69; and Finn E. Kydland and Edward C. Prescott, "Time to Build and Aggregate Fluctuations," *Econometrica* 50, no. 6 (November 1982): 1345–70.
4. Long and Plossser, 41.
5. Robert G. King, Charles I. Plosser and Sergio T. Rebelo, "Production, Growth and Business Cycles," *Journal of Monetary Economics* 21, nos. 2/3 (March/May 1988): 195–232. The quotation is from p. 196.
6. Symmetrically, a distinction could be made between Austrian-school economists who believe that *all* business cycles are monetary, none real, versus those who believe that the Austrian theory of the business cycle is non-exclusive.
7. Robert E. Lucas, *Models of Business Cycles* (Oxford: Basil Blackwell, 1987), 70.
8. Kydland and Prescott, 1345.
9. While it is clear that a private, competitive water company would have an incentive to build a dam with an optimal capacity, it is not clear that a government water authority would have the same incentive.
10. Some Austrian-school economists argue that any expansion of the money supply via credit creation, even a Friedmanesque money growth rule, will set off a business cycle. This issue is left unaddressed in this essay. For present purposes, we may be speaking only of an unforecastable acceleration in money growth.
11. Of course, those who understand economics would have a comparative advantage over those who naïvely follow actual prices. But, as previously argued, speculators who might have such a comparative advantage should be presumed to have only limited ability to rationalize prices. In the face of concerted action by the monetary authority, these investors, while profiting from the mispricing of financial securities, would therefore be inframarginal investors.
12. Even though everyone might know the socially optimal plan, if individuals are self-interested they would each have to be induced to do their job in that plan.
13. Lucas, 73.
14. J. Huston McCulloch, "The Ban on Indexed Bonds, 1933–77," *American Economic Review* 70, no. 5 (December 1980): 1018–21. The quotation is from p. 1020. Austrian-school economists are not immune from the view that market evolution has, in some significant way, achieved perfection. Many members of the Austrian school believe that the nineteenth-century gold standard was perfect or nearly so, and they long for its return. By contrast, F.A. Hayek and others have advocated allowing the private issuance of

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"real money" in the belief that commodities markets have evolved to the point of being able to support such an innovation.

15. John D. Finnerty, "Financial Engineering in Corporate Finance: An Overview," *Financial Management* 17, no. 4 (Winter 1988): 14–33, surveys the literature and describes many of the more recent financial innovations.
16. Finnerty hints at this when he asks, "How are the rewards to securities innovation allocated among the financial institution that develops the innovative security, the issuer, and investors?" (31).
17. "Hybrids Become Legitimate Instruments," *Euromoney*, February 1989: 13–14.
18. These regulations are described by James V. Jordon, Robert S. Mackay and Eugene J. Moriarity, "The Regulation of Commodity-Linked Debt and Depository Instruments," *The Handbook of Financial Engineering*, ed. C.W. Smith and C.W. Smithson (New York: Harper Business, 1990), 553–78.
19. Perhaps the best explanation is found in Axel Leijonhufvud's *On Keynesian Economics and the Economics of Keynes* (Oxford: Oxford University Press, 1968); also see his "Effective Demand Failures," in id., *Information and Coordination* (Oxford: Oxford University Press, 1981), 103–29. This "effective demand failure" is not part of Austrian business cycle theory as such, but is a potential consequence of the "bust" of the Austrian business cycle.
20. Lucas, 48.
21. *Ibid.*, 71. "Multipliers," such as the Keynesian consumption function-driven multiplier, would cause a technology shock to have a much larger or more persistent impact on unemployment.
22. King, Plosser and Rebelo hint at this on p. 197 and again on p. 231.
23. Murray Rothbard, in *America's Great Depression*, 2nd ed. (Los Angeles: Nash, 1972), argues that much of the severity of the Great Depression was due to the "high wage doctrine" foolishly believed by the Hoover administration as well as by many economists and industrialists at the time. Instead of allowing wages to fall in the face of deflation, they adopted "work-sharing" schemes.
24. The Japanese bonus system is described and analyzed by Martin L. Weitzman, "Macroeconomic Implications of Profit Sharing," *NBER Macroeconomics Annual, 1986*, ed. S. Fischer (Cambridge, Mass.: MIT Press, 1986), 147–210.
25. E.g., Ludwig Lachmann, "The Role of Expectations in Economics as a Social Science," *Economica* n.s. no. 10 (November 1943): 12–23.
26. Economic experiments (when these can be conducted) and historical accidents may also be useful. Black even mentions introspection as a source of information (159).

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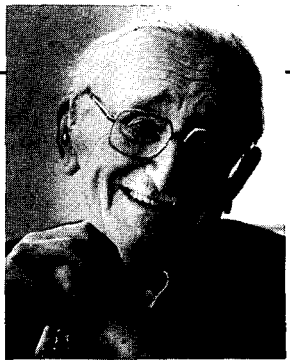

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